UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/52/131/Add.2
14 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 87

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the members of the General Assembly the twenty-ninth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted to him in accordance with paragraphs 5, 6 and 7 of Assembly resolution 51/131 of 13 December 1996. The present report should be considered together with the Special Committee's periodic reports contained in documents A/52/131 and A/52/131/Add.1, which were transmitted to the members of the Assembly on 19 February and 29 May 1997 respectively.

2. The present report contains a summary of articles and reports received during the period under review. In preparing the report, the newspapers mentioned below have been taken into account. Reference to reports appearing in the Arab press published in the occupied territories is made when they contain relevant material not found in the Israeli newspapers listed below. The terminology used in the report is that found in the original version of the summarized newspaper reports.

Israeli press	Ha'aretz	(Hebrew language daily)
	Jerusalem Post	(English language daily)
Arab press published in the occupied territories	Al-Tali'ah	(Arabic language daily)
	The Jerusalem Times	(English language daily)

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LETTER OF TRANSMITTAL

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has the honour to transmit herewith its twenty-ninth report, prepared in accordance with General Assembly resolution 2443 (XXIII) of 19 December 1968, by which the Special Committee was established, and resolution 51/131 of 13 December 1996, the latest resolution by which the General Assembly renewed its mandate.

The present report covers the period from 21 September 1996, the date of the adoption of the twenty-seventh report of the Special Committee, to 29 August 1997. The report is based on written information gathered from various sources, in particular Israeli press reports and articles appearing in the Arab press published in the occupied territories. It also includes oral information received by the Special Committee through testimonies of persons having first-hand experience of the human rights situation in the occupied territories. Written information concerning the period from 21 September to 31 December 1996 is reflected in the periodic report the Special Committee presented to you on 19 February 1997 (A/52/131). Written information concerning the period from 1 January to 30 April 1997 is reflected in the periodic report the Special Committee presented to you on 29 May 1997 (A/52/131/Add.1). These periodic reports have been submitted in accordance with paragraph 6 of General Assembly resolution 51/131, in which the Assembly requested the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem.

For the purpose of collecting oral testimonies the Special Committee again organized hearings that were held at Cairo, Amman and Damascus. The Special Committee continued to monitor statements by members of the Government of Israel reflecting the policies of that Government on the occupied territories and reports on measures taken to implement them. The Special Committee further noted the letters addressed to you during the period of the present report relating to its mandate and circulated as documents of the General Assembly, and received information from Governments, organizations and individuals on various aspects of the situation in the occupied territories.

In carrying out its mandate, the Special Committee wishes to place on record its thanks for the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic and for that of Palestinian representatives and numerous human rights organizations. However, the Government of Israel has regrettably continued to withhold its cooperation and has not even responded to communications addressed to it in this regard.

In preparing its report the Special Committee has attempted to put before you a composite picture of the realities in the occupied territories as they affect the human rights of the civilian population. By the present letter the Special Committee wishes to draw your attention to a number of aspects that deserve particular mention.

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The period covered by the Special Committee's twenty-ninth report follows the signing of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip on 28 September 1995 and, more recently, the signing on 15 January 1997 of the Protocol concerning the Redeployment in Hebron, which generated great expectations and hope among both the population of the occupied territories and the international community that a lasting peace would be established in the region. The Special Committee maintained this spirit in its approach to its responsibility in carrying out its mandate.

The information contained in the twenty-ninth report of the Special Committee shows that the situation of human rights in the occupied territories has deteriorated further during the period under review.

The most disturbing aspect of the current human rights situation in the occupied territories is the settlement policy pursued by the Israeli Government. On 2 August 1996, the Cabinet decided to cancel the previous Government's restrictions placed on the development of settlements since 1992. The confiscation of Arab-owned land, expansion of settlements and construction of bypass roads and quarries has continued unabated. New settlements have been built and their total in the Gaza Strip and West Bank is now estimated at 194. Settlement expansion in the occupied Syrian Arab Golan is also foreseen. New settlements have been built and the most serious development in this connection is the decision taken on 26 February 1997 to build 6,500 Jewish housing units on the hill called Jabal Abu Ghneim. The beginning of construction on 18 March 1997 of the so-called Har Homa settlement in that location, which would complete the chain of Israeli settlements hermetically encircling Arab-populated East Jerusalem, has brought the peace process to a standstill.

The gravity of the situation in East Jerusalem is compounded further by the recent withdrawal on a massive scale of identity cards of Palestinian Jerusalemites. Witnesses who testified before the Special Committee have described this policy as amounting to a silent deportation or even ethnic cleansing of Jerusalem's Arab population, who are being treated as resident aliens. It is estimated that some 60,000 to 80,000 Palestinian Jerusalemites, who have to prove that the City is their "centre of life", are threatened with losing their residency rights, which has given rise to a pervasive feeling of insecurity among the population. This discriminatory policy, applied to the Palestinian inhabitants of Jerusalem through measures such as those regulating dual citizenship, the right to family reunification and registration of children, has, among other things, serious repercussions for health insurance, education, housing and freedom of movement. None of these measures apply to Israelis.

Also with regard to Jerusalem, the Special Committee heard the testimonies of persons who were seriously injured or witnessed the violent clashes between Palestinians and Israeli troops that took place in September 1996 in the wake of the opening on 24 September of the so-called Western Wall Tunnel, which is located under the compound of the Al-Aqsa Mosque, the third holiest shrine in Islam. It has been reported that live ammunition, including explosive high-velocity bullets, was used and that helicopters and snipers were deployed. A total of 74 persons were killed on both sides and more than 1,000 injured throughout the occupied territories. Excessive force was used against the

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Palestinian population and more than 70 per cent of the injured were wounded in the head or upper part of the body, demonstrating a deliberate intent to kill on part of the Israeli forces.

The situation of human rights in the occupied territories continued to be characterized by closures during the period under review, including internal closures of Palestinian towns and their agglomerations. An unprecedented internal and total closure, which also extended to the closing of border crossings between the occupied territories and Jordan and Egypt, was implemented at the end of July 1997 after two suicide bombings were carried out in an open market in Jerusalem on 30 July 1997. The closures have continued to generate economic and social difficulties for the inhabitants of the occupied territories whose standard of living is estimated to have declined by 30 per cent since the signing of the peace agreements. The majority of Palestinian workers who used to hold jobs in Israel were unable to reach their places of work.

The restrictions imposed on the freedom of movement have continued to have serious repercussions for the health of the population and more persons have died as a consequence. Patients suffering from life-threatening diseases and in serious condition have continued to be denied access to medical institutions in Israeli or in other parts of the occupied territories for lack of a permit and a number of women have been compelled to give birth on the roadside near checkpoints. The closures have had a particularly severe impact on the children in the occupied territories, affecting their health and education and forcing a number of children to work in order to assist their families. The inhabitants of the Gaza Strip were the most seriously affected by the closures, which, inter alia, resulted in shortages of medical supplies and prevented medical personnel from reaching their places of work.

House demolitions have continued to be carried out in Jerusalem and other parts of the occupied territories, with the Israeli authorities mostly invoking the lack of a building permit on the part of the owners. There has been an incremental rise in the number of house demolitions in Jerusalem and the West Bank in the wake of the two suicide bombings in the Mahaneh Yehuda market in Jerusalem on 30 July 1997. It is estimated that more than 30 Palestinian homes have been demolished, leaving more than 120 persons homeless. Homes of Palestinians suspected of perpetrating or having a connection to security-related offences have continued to be demolished during the current reporting period. It has been reported that some 500 Palestinian-owned houses are currently slated for demolition.

The Special Committee continued to monitor closely the situation of Palestinian prisoners in detention facilities inside Israel, in contravention of international humanitarian law, whose number remains high. There were some 2,750 Palestinian prisoners in Israel at the time of the Committee's visit to the area, in addition to 261 administrative detainees, 63 per cent of whose detention had been renewed. It has been reported that the number of administrative detainees had already risen to approximately 500 after the wave of arrests following the suicide bombings in Jerusalem on 30 July 1997. The conditions of detention have reportedly deteriorated further and protests by the prisoners have on occasion been repressed violently by the prison authorities.

Owing to the closure imposed on the occupied territories, few prisoners have been able to receive family visits or consult with their lawyers.

Palestinian detainees are reported to have continued to be subjected to measures that amount to torture or ill-treatment, especially during the period of interrogation. The Special Committee was concerned by the decisions of the Supreme Court of Israel taken in January and November 1996 to lift interim injunctions prohibiting the members of the General Security Service (GSS) to use violent interrogation methods against Palestinian security detainees. The Special Committee took note of the conclusions and recommendations of the Committee Against Torture in pursuance of the special report submitted to it by Israel, indicating that interrogation which included the use of "moderate physical pressure" during interrogation of persons suspected to be in possession of information of imminent attacks against Israel constituted breaches of the Convention Against Torture.

During its visit to the Syrian Arab Republic, the Special Committee observed that one of the most striking features of the Israeli occupation of the Syrian Arab Golan was the severance of family ties. It was informed that the measures taken against citizens who express nationalistic sentiments regarding Syria were repressed more harshly than before and that land in the occupied Syrian Golan continued to be confiscated for the expansion of Israeli settlements and the construction of bypass roads. Agricultural produce and cattle were also subjected to confiscation and the Israeli authorities continued to exercise tight control over the water resources available to the inhabitants of the Golan, including rainwater. Complaints were voiced in connection with the efforts of the Israeli authorities regarding education, the dismissal of qualified teachers and their attempts to alter the educational curricula regarding the political geography of the area and of the historical identities of the ethnic communities of the Golan. Syrian diplomas were reported not to be recognized and unemployment in the Golan was widespread. Witnesses also complained about the difficulties faced by the inhabitants of the occupied Golan in obtaining proper medical care.

The Special Committee has endeavoured, within the constraints imposed on it, to provide in its periodic reports (A/52/131 and A/52/131/Add.1) and in the present twenty-ninth report a clear picture of the situation of human rights in the occupied territories. The Special Committee wishes to reiterate its view that occupation in itself constitutes a violation of human rights. It should be recalled that in spite of the signing of the peace agreements, the status of occupation continues and that Israel should, therefore, abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other relevant international instruments and fully comply with all universally accepted standards of human rights. The Special Committee has once again made a number of recommendations at the end of its report. In addition to those of a general nature, the Special Committee has appealed to Israel to act in conformity with the spirit animating the peace process by giving serious consideration to a number of concrete measures (see conclusions and recommendations).

The Palestinian people are currently facing an unprecedented double challenge: a virtual breakdown in the peace process and an escalation of human rights violations on the ground, in the occupied territories. Many believed that the signing of the Oslo Accords would bring a new era of peace, security, understanding and hope for the people of the entire Middle East, enabling them to live in harmony, dignity and with mutual respect. Unfortunately, the hopes entertained during and after the signing of the peace agreements regarding the continuation of the peace process have now virtually evaporated.

The Special Committee believes that the peace process has reached a decisive stage and that if negotiations are not resumed and the agreements that have already been reached are not fully implemented, the cycle of violence and conflict will continue, thus threatening the peace and stability of the region. The momentum of the peace negotiations has to be maintained and the Oslo Accords should be implemented in full by both sides and the principle of land for peace underlying the peace agreements should be complied with. The repeated delays in the implementation of the Accords can only endanger the peace process further and could lead to its complete breakdown, which would be dangerous for the whole region.

It is vital that a dialogue between the parties be maintained and that the peace process continue. All parties concerned should respect the spirit and letter of the Oslo Accords and show renewed commitment to the peace process by an immediate resumption of the peace talks. The frustration and despair of Palestinians have almost completely eroded their trust in the peace process, which is now at a standstill. The peace talks between the Syrian Arab Republic and Israel have also come to a halt. Only tangible progress in peace talks with consequent changes on the ground can bring about a just, comprehensive and lasting peace to the Middle East. All parties concerned must work together to safeguard the peace effort.

The international community must urgently address itself to the current situation and take an active and positive role in safeguarding the peace process and give it a new impetus. The Special Committee believes that the prevailing climate of strife and bitterness can be replaced by the beginning of a new era of peaceful coexistence in the whole region.

Accept, Sir, the assurances of my highest consideration.

(Signed) Herman Leonard de SILVA
Chairman of the Special Committee to
Investigate Israeli Practices Affecting the
Human Rights of the Palestinian People and
Other Arabs of the Occupied Territories

His Excellency
Mr. Kofi Annan
Secretary-General of the United Nations
New York

I. INTRODUCTION

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968. By that resolution, the Assembly decided to establish the Special Committee, composed of three Member States; requested the President of the Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, to cooperate with it and to facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter; and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

2. The Special Committee is composed as follows: Mr. Herman Leonard de Silva, Ambassador, Permanent Representative of Sri Lanka to the United Nations, Chairman; Mrs. Absa Claude Diallo, Ambassador, Permanent Representative of Senegal to the United Nations Office at Geneva; and Dato' Abdul Majid Mohamed, Ambassador at large, Malaysia.

3. Since October 1970, the Special Committee has submitted 28 reports.[1] These reports were discussed in the Special Political Committee, which then reported to the General Assembly.[2] On the recommendation of the Special Political Committee, the Assembly adopted resolutions 2727 (XXV) of 15 December 1970, 2851 (XXVI) of 20 December 1971, 3005 (XXVII) of 15 December 1972, 3092 A and B (XXVIII) of 7 December 1973, 3240 A to C (XXIX) of 29 November 1974, 3525 A to D (XXX) of 15 December 1975, 31/106 A to D of 16 December 1976, 32/91 A to C of 13 December 1977, 33/113 A to C of 18 December 1978, 34/90 A to C of 12 December 1979, 35/122 A to F of 11 December 1980, 36/147 A to G of 16 December 1981, 37/88 A to G of 10 December 1982, 38/79 A to H of 15 December 1983, 39/95 A to H of 14 December 1984, 40/161 A to G of 16 December 1985, 41/63 A to G of 3 December 1986, 42/160 A to G of 8 December 1987, 43/58 A to G of 6 December 1988, 44/48 A to G of 8 December 1989, 45/74 A to G of 11 December 1990, 46/47 A to G of 9 December 1991, 47/70 A to G of 14 December 1992, 48/41 A to D of 10 December 1993, 49/36 A to D of 9 December 1994, 50/29 A to D of 6 December 1995 and 51/131 of 13 December 1996.

4. The present report has been prepared in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII), 3240 A and C (XXIX), 3525 A and C (XXX), 31/106 C and D, 32/91 B and C, 33/113 C, 34/90 A to C, 35/122 C, 36/147 C, 37/88 C, 38/79 D, 39/95 D, 40/161 D, 41/63 D, 42/160 D, 43/58 A, 44/48 A, 45/74 A, 46/47 A, 47/70 A, 48/41 A, 49/36 A, 50/29 A and 51/131.

II. ORGANIZATION OF WORK

5. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General.[3]

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6. In its resolution 51/131, the General Assembly:

> "5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
>
> "6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;
>
> "7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

7. The Special Committee held the first of its series of meetings from 17 to 19 February 1997 at Geneva. The activities of the Special Committee during those meetings are reflected in document A/52/131 (paras. 2-6).

8. The Governments of Egypt, Jordan and the Syrian Arab Republic as well as the Observer for Palestine subsequently responded to the Special Committee's request for cooperation (see A/52/131, para. 4), reconfirming their readiness to continue cooperating with the Special Committee. As in the past, the Government of Israel did not respond to the request for cooperation of the Special Committee.

9. The Special Committee held a second series of meetings at Geneva (28 and 29 May 1997), Cairo (31 May and 1 June 1997), Amman (3-5 June 1997) and Damascus (7 and 8 June 1997). At those meetings, the Committee examined information on developments occurring in the occupied territories between January and April 1997. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate. At Cairo, Amman and Damascus the Special Committee heard the testimonies of persons who had just returned from or were living in the Gaza Strip, the West Bank and the occupied Syrian Arab Golan concerning the situation in those territories.

10. At Cairo, the Special Committee was received at the Ministry of Foreign Affairs by the Assistant Minister of State for Foreign Affairs, Mr. Kassem Sayed Al-Masri. It also met with Mrs. Naila Gabr, the head of the Human Rights Department, and with Mr. Hisham Shuair, the deputy head of the Department for Palestinian Affairs. In addition, the Committee visited the Palestine Red Crescent Hospital where it heard the testimony of several patients, residents of the territories. While at Cairo, the Committee also had the opportunity to hear witnesses from the West Bank and Gaza.

11. At Amman, the Special Committee was received by the Director-General of the Department of Palestinian Affairs of the Ministry of Foreign Affairs, Mr. Ibrahim Tarshihi, and was informed about the most recent developments in the occupied territories. During its stay at Amman, the Committee also met with the Mr. Salim Al-Zanoun, President of the Palestinian National Council in Jordan, with Mr. Zuhair, head of the International Organizations Department, and with other representatives of the Palestinian National Council. While in Jordan, the Committee visited the Allenby (King Hussein) Bridge, where it heard the testimony of Palestinians who had just crossed over from the West Bank.

12. At Damascus, the Special Committee was received by the Minister of State for Foreign Affairs, Mr. Nasser Kaddour. It also met with Mr. Clovis Khoury, Director of the International Organizations Department, and Mr. Bashar Jaafari, International Organizations Department, Ministry of Foreign Affairs, and was presented with a report concerning the human rights situation in the occupied Syrian Arab Golan. During its stay in the Syrian Arab Republic, the Committee visited Quneitra province, bordering the occupied Syrian Arab Golan, where it heard the testimony of a number of witnesses. It met with the Governor of Quneitra and other high-ranking officials of the province and was presented with the Quneitra province report about the Israeli violations of human rights in the occupied Syrian Golan for 1997.

13. The Special Committee examined and completed a periodic report (A/52/131/Add.1) updating information contained in its previous periodic report (A/52/131). It decided that any further information and evidence relevant to its mandate would be reflected, together with its conclusions, in the present report.

14. On 29 May 1997, the Chairman of the Special Committee transmitted to the Secretary-General its periodic report covering the period from 1 January to 30 April 1997 (A/52/131/Add.1). That report was based on written information gathered from various sources among which the Special Committee had selected relevant excerpts and summaries, which were reflected in the report.

15. The Special Committee met again at Geneva from 25 to 29 August 1997. At those meetings, the Committee examined information on developments occurring in the occupied territories from May to August 1997. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate, as well as records of testimonies collected during its previous series of meetings. It examined and completed the present report on 29 August 1997.

III. MANDATE

16. The General Assembly, in its resolution 2443 (XXIII), entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

17. In its resolution 44/48 A, the General Assembly decided to change the name of the Special Committee to Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

18. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

19. In interpreting its mandate, the Special Committee determined that:

(a) The territories to be considered as occupied territories referred to the areas under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements. The areas of Egyptian territory under Israeli military occupation were further modified in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, which was signed on 26 March 1979 and came into force on 25 April 1979. On 25 April 1982, the Egyptian territory remaining under Israeli military occupation was restituted to the Government of Egypt in accordance with the provisions of the aforementioned agreement. Thus, for the purposes of the present report, the territories to be considered as occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities. However, the Committee noted that resolution 2443 (XXIII) referred to the "population" without any qualification as to any segment of the inhabitants of the occupied territories;

(c) The "human rights" of the population of the occupied territories consisted of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee was also required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories, and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that came within the scope of investigation by the Special Committee referred, in the case of

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"policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" referred to those actions which, irrespective of whether or not they were in implementation of a policy, reflected a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

The geographical names and the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

20. Since its inception the Special Committee has relied on the following international instruments in interpreting and carrying out its mandate:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights;

(c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[4]

(d) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;[5]

(e) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;[6]

(f) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land;[7]

(g) The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.[8]

21. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights, as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

IV. INFORMATION AND EVIDENCE RECEIVED BY THE SPECIAL COMMITTEE

22. In the course of carrying out its mandate, the Special Committee has relied on the following sources:

(a) The testimony of persons with first-hand knowledge of the situation of the population in the occupied territories;

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(b) Reports in the Israeli press, including of pronouncements by responsible persons in the Government of Israel;

(c) Reports appearing in other news media, including the Arab language press published in the occupied territories, in Israel and the international press.

23. The Government of Egypt provided the Special Committee with written material relevant to its mandate.

24. The Special Committee also received written statements from the Governments of Jordan and the Syrian Arab Republic, as well as from the Palestinian Authority and Palestinian National Council.

25. The Government of Jordan provided the Special Committee on 4 June 1997 with three reports submitted by the Department of Palestinian Affairs at the Ministry of Foreign Affairs: "Plans and Projects for the Judaization of Jerusalem During the Period from 1 June 1996 to 30 May 1997"; "One Year of Likud Rule: Israeli Settlements in the Occupied Palestinian Territories During the Period from 1 June 1996 to 30 May 1997"; and "Summary of Israeli Violations of Human Rights During the Period from 1 June 1996 to 30 May 1997".

The report entitled "Plans and Projects for the Judaization of Jerusalem During the Period from 1 June 1996 to 30 May 1997" indicated, inter alia, that:

> "Since the signing of the Palestinian-Israeli peace agreements, the question of the City of Jerusalem has occupied a very prominent place in regional events due to the fact that this City will constitute the focal point of the Arab-Israeli dispute in the future negotiations.
>
> "On the Israeli side, a series of steps and measures have been taken to Judaize and tighten their control over the City by intensifying settlement in the heart of the City and in its suburbs and by isolating it, implementing the policy of closing its institutions, bringing pressure to bear on its Arab residents with a view to inducing them to leave, and repeatedly violating the sanctity of its Islamic and Christian Holy Places."

The report stated the following with regard to settlement expansion:

> "On 21 July 1996, it was revealed that there was a new settlement plan, aimed at intensifying settlement by expanding the boundaries of Jerusalem Municipality, which is controlled by Israel, eastwards to the Jordan River in such a way as to create an uninterrupted settlement belt from the river to Jerusalem.
>
> "It was likewise revealed that steps were being taken to finalize the 'territorial extension planning map' prepared by the office of Benny Katzrael, the head of the Maaleh Adumim settlement council, to link that settlement to the City of Jerusalem in order to ensure that the settlement would form part of Israel."

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The report stated the following about the attempts of the Israeli authorities to isolate Jerusalem:

"During the period covered by this report, the Israeli authorities continued to implement measures to separate Jerusalem from the occupied West Bank by surrounding it with a military cordon accompanied by roadblocks at the northern, southern and eastern approaches to the City which no one was permitted to cross without a special permit from the Israeli military authorities. These measures had the effect of isolating the Holy City and separating it from the surrounding Palestinian areas.

"As part of their measures aimed at isolating Jerusalem at the international level, the Israeli authorities began to prevent visits by foreign diplomats and officials to Orient House, which they regard as a Palestinian political symbol in Jerusalem.

"The Israeli authorities have also deliberately isolated the population of Jerusalem from their institutions in the City by imposing a compulsory health insurance scheme on the Palestinian population of Jerusalem, as a result of which the Palestinian health institutions in the City are unable to continue operating without constant financial support."

The report stated the following regarding the withdrawal of identity cards from the Arab inhabitants of Jerusalem:

"In pursuance of their policy of displacing the Arab population from the City of Jerusalem and halting Palestinian population growth in the City and its suburbs, during the period covered by this report the Israeli authorities resorted to the method of withdrawing the identity cards of persons domiciled at Jerusalem but living outside the City's municipal boundaries.

"In addition to the incentives that Israel is offering for Palestinian residents of Jerusalem to acquire Israeli nationality, from time to time they demolish dozens of houses in the City on the pretext that they were built without a permit, thereby forcing their occupants to leave the City in search of accommodation."

The following was stated with regard to interference in Islamic religious affairs and excavation activity affecting religious sites:

"As part of their policy aimed at interfering in Islamic affairs and provoking the Muslims in Jerusalem, on 10 September 1996 the Israeli authorities issued an order prohibiting any new construction work within the precincts of the Al-Aqsa Mosque.

"The months of March and April witnessed notable activity by the Israeli archaeological authorities, consisting in excavation operations within the precincts of the Al-Aqsa Mosque in a quest for so-called Jewish 'relics'. This excavation work caused varying degrees of damage to the Holy Places and archaeological sites.

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> "The Jordanian Ministry of Awqaf (religious endowments) is currently in the process of repairing some of the fissures that appeared in the Haram al-Sharif at Jerusalem as a result of those excavations."

The report entitled "One Year of Likud Rule: Israeli Settlements in the Occupied Palestinian Territories During the Period from 1 June 1996 to 30 May 1997" indicated, inter alia, the following with regard to the current Israeli settlement policy:

> "In a dangerous escalation of the settlement trend, on 3 August 1996 the Israeli Cabinet revoked the decision to freeze Jewish settlement in the West Bank and Gaza Strip.
>
> "In February 1997, the Israeli Prime Minister Benyamin Netanyahu announced his Government's approval of the establishment of a Jewish residential area on Jabal Abu Ghneim in East Jerusalem, thereby threatening the entire Middle East peace process. Under intensive pressure from ultra-Orthodox Jews and with the unanimous approval of all the political forces in Israel, Netanyahu gave the green light for the commencement of the construction of housing units in the area known as 'Har Homa' on the pretext that, in return, 3,000 housing units would be constructed for Palestinians in the other Arab areas of East Jerusalem."

The report stated the following regarding settlement expansion:

> "In addition to the actual settlement activities undertaken by the right-wing Government in Israel or by the settlers themselves, during this period there was a notable increase in the measures and decisions taken by the ruling institutions in Israel with a view to paving the way for the expansion of existing settlements or the establishment of new settlements. Attempts are being made to create material and moral justifications, through coordination among the various Israeli ministries, before embarking on any actual settlement activity."

The report provided the following information concerning the construction of bypass roads:

> "The studies and research carried out on the subject of the bypass roads which the Israeli authorities are constructing have shown that those roads have swallowed up 22,000 dunums of land in various areas of the West Bank since the Taba Agreement.
>
> "The extensive settlement campaigns that have recently been conducted have involved the confiscation of even more land for the construction of bypass and settlement roads designed to fragment the areas under the control of the Palestinian National Authority, restrict the potential for Palestinian urban development and, at the same time, strengthen the Jewish presence and ensure that, under the terms of any future arrangement, the settlements are allowed to remain."

The report concluded that:

> "All these activities were undertaken in a spirit of unanimity and full coordination among various individuals and official bodies within Israeli society in which joint efforts were made to expand settlement in the West Bank and Gaza Strip. This unquestionably confirms the fact that settlement is not only a firmly established policy of the Likud Government headed by Benyamin Netanyahu but also an individual and collective commitment to a broader strategy of refusing to abide by the Palestinian-Israeli agreements and disregarding Palestinian rights in view of the alleged need to safeguard the 'full territory of Israel' and deny the existence of the Palestinian people."

The report entitled "Summary of Israeli Violations of Human Rights During the Period from 1 June 1996 to 30 May 1997" states, inter alia, that:

> "In spite of all the Palestinian-Israeli agreements that have so far been concluded with a view to reaching a comprehensive and just settlement of the question of Palestine and putting an end to the Arab-Israeli conflict, the practices of the Israeli authorities and their violations of human rights and international norms are continuing and have even begun to assume more intensive and varied forms, thereby causing further distress and annoyance and further deterioration in the human rights situation and living conditions of the population of the Palestinian territories."

The report provided the following information about Palestinian prisoners in Israeli detention facilities:

> "Notwithstanding the peace agreements concluded between the Palestinian and Israeli sides, which provided for the release of all the Palestinian detainees in Israeli prisons, the Israeli authorities have deliberately procrastinated and postponed their release. Only small numbers of them have been released in batches and the release of the female Palestinian detainees was delayed for many months after the scheduled date therefor.
>
> "A number of released detainees have affirmed that the Israeli prison authorities deliberately subjected them to the most odious forms of torture during interrogation, which is incompatible with international law and standards concerning the inadmissibility of torture, in an attempt to extract information and confessions from them concerning acts which they were suspected of having committed.
>
> "As if this were not enough, the Supreme Court has authorized the use of the method of 'violent shaking', which is one of the most odious forms of torture, during the interrogation of detainees."

The report provided the following information regarding the demolition of Palestinian-owned houses:

> "In mid-May 1997, Palestinian and Israeli sources revealed the existence of an Israeli plan to demolish 500 Palestinian houses in the West Bank on the pretext that they had been built without a permit. The Israeli

> authorities also served a further 1,300 notices concerning the demolition of other houses."

With regard to Palestinians who were killed or wounded as a result of the occupation, the report stated that:

> "This is a dangerous indication of an escalation in the Israeli side's policy of granting the army greater powers to use live ammunition against defenceless Palestinian civilians, as can be seen from the large number of Palestinian martyrs who died during the confrontations following the opening of the tunnel in the precincts of the Al-Aqsa Mosque during the period from 25 to 28 September 1996 in which 61 Palestinians lost their lives."

Finally, the report contained the following information regarding the restrictions imposed on the freedom of movement of the population of the occupied territories:

> "These restrictions on travel have proved highly detrimental to tens of thousands of individuals, including students, businessmen, official delegations and sick persons. At the same time, restrictions are still being imposed on the movement of Palestinians between the Gaza Strip and the West Bank, since the conditions imposed on anyone wishing to obtain a permit are virtually impossible to meet."

26. The Government of the Syrian Arab Republic has provided the Special Committee with a report prepared by the International Organizations Department of the Ministry of Foreign Affairs, which deals in particular with Israeli practices in the occupied Syrian Arab Golan. The report indicated, inter alia, that:

> "Since the submission of our last report in June 1996, the human rights situation of the population of the Syrian Arab Golan has deteriorated due to Israel's increasingly obstinate, arbitrary and repressive policies and practices, particularly after the new Israeli Government headed by Netanyahu, which is characterized by its more racist, aggressive and expansionist tendencies, assumed power in Israel and declared, in a gesture of blatant defiance, that it would continue to occupy the Syrian Arab Golan and to expand its settlements therein, with all that this implied by way of seizure of land and water and violation of the rights of the population of the occupied Syrian Golan."

Some of the measures taken by the Israeli authorities were described in the following manner:

> "Dismissal of village headmen elected by the Syrian Arab population.
>
> "Imposition of local councils by force, insofar as the Israeli authorities appointed their members.

> "Linkage of the economy of the occupied Syrian Arab villages to the Israeli market, and attempts to damage that economy by making it dependent on Israeli enterprises.
>
> "The Israeli authorities are pursuing a taxation policy which the Arab population of the Golan are unable to bear since the tax demands require incomes that are beyond their means."

The report indicated the following with regard to settlements:

> "It is noteworthy that many of the settlements bear full or abbreviated names derived from the Torah, from names of alleged ancient Jewish settlements or from Hebrew corruptions of some Arabic place names. This reveals not only the attempts that are being made to endow the territory with a Hebrew identity, but also the intention to perpetuate the Israeli occupation.
>
> "About 15,000 Israeli settlers are living in the Golan and exploiting the territory's economic resources in various ways."

The following was stated in connection with water:

> "In view of the ban on the piping of water to the Arab villages, the Syrian Government has been obliged to supply drinking water to some of these villages whose own water supply has been diverted for the benefit of settlers.
>
> "Within the context of a carefully planned and deliberate Israeli policy, the occupation authorities have resorted to various ways and means to prevent the Golani Arabs from gaining access to water."

The following was stated in connection with education:

> "In order to strengthen and consolidate the Hebrew language, it is used as the language of instruction in all scientific subjects, which Syrian students in the occupied Golan therefore find difficult to understand.
>
> "When geography is taught, place names in the occupied territories, in Palestine and in Syria are changed to Hebrew names.
>
> "No mention is made of the Arab world, which is studied as separate units referred to as the Middle East and North Africa.
>
> "The teaching staff are highly inadequate in number and also lack the requisite academic and pedagogical qualifications.
>
> "As part of the policy of educational sabotage and institutionalized ignorance, teachers are prevented from teaching their fields of specialization."

The report stated the following with regard to culture:

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> "The policy of blockade and suffocation is also still being applied in the cultural field, since the Israeli authorities prohibit the publication of any magazines or newspapers in the Golan.
>
> "Damage to archaeological sites due to the movement of tanks and the detonation of armour-piercing shells and various types of explosives, which have damaged the sites and stone monuments that have survived, almost intact, in the territory for thousands of years."

In conclusion, the report stated that:

> "The above review of the firmly established policies and practices which the Israeli Government has been pursuing, with increased severity during the past year, against the territory and the population of the occupied Syrian Golan shows that the present Israeli Government is insisting on perpetuating the occupation, intensifying settlement, seizing even more land and water, weakening all the infrastructures of the occupied Syrian Golan and repressing and persecuting its population."

The Governor of Quneitra province also provided the Special Committee with a report about the Israeli violations of human rights in the occupied Syrian Golan for 1997. The report indicated, inter alia, that:

> "The Israeli occupation authorities are still pursuing their repressive policies and inhuman practices against the Syrian Arab citizens who remained under occupation in the occupied Arab Golan villages.
>
> "The Israeli iron fist policy does not have any limits. It is programmed and aims at confiscating freedom, land, water, spreading settlements and depriving labour rights and interferes directly in the national tissue of the citizens so as to fragment the national structure and to break down the bonds of national affiliation towards the homeland Syria, adopting all measures and styles."

27. The Special Committee also received a report from the representatives of the Palestinian National Council in Jordan concerning, inter alia, the demolition of houses, withdrawal of identity cards, confiscation of land, martyrs, closure and blockade, and containing the "Palestinian Authority's document on settlement". The following was stated with regard to identity cards:

> "The occupation authorities, represented by the Israeli Ministry of the Interior, took a decision to withdraw the identity cards of 1,017 Palestinian residents of Jerusalem who carried blue identity cards.
>
> "In fact, identity cards were withdrawn from 689 citizens in 1996 and 358 citizens from the beginning of 1997 to 5 May.
>
> "The Ministry of the Interior also refused to enter 10,000 Palestinian children in the identity cards of their parents who, since 1967, have been carrying identity cards in which their place of residence is specified as being in the occupied City of Jerusalem. This forms part of the Israeli

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> policy aimed at bringing about demographic changes in the occupied City in such a way as to influence and determine in advance the outcome of the final stage negotiations on Jerusalem."

The report indicated the following regarding land confiscation:

> "During the period from the signature of the Declaration of Principles on 13 September 1993 to the beginning of 1997, the occupation authorities confiscated a total of 300,000 dunums.
>
> "A further 35,000 dunums of land were confiscated in the City of Jerusalem, in addition to the 1,430 dunums confiscated after 1993 and the 420 dunums confiscated on Jabal Abu Ghneim."

The following figures were provided regarding the number of persons killed as a result of the occupation:

> "The number of martyrs killed by occupation troops during the period from 13 September 1993 to April 1997 amounted to 243, 18 of whom were killed by settler extremists."

The following information was provided about the closure:

> "When the formation of the Palestinian National Authority was announced in June 1994, the Israeli authorities resorted to a policy and measures designed to destroy the Palestinian national economy.
>
> "During the years 1995, 1996 and 1997, they sealed off the territories and imposed a blockade on several occasions for a total of 411 days."

28. In addition, the Special Committee received written information from intergovernmental organizations such as relevant specialized agencies, United Nations organs and regional organizations, as well as non-governmental organizations, individuals and Governments on the situation in the occupied territories. At its meetings, the Committee had before it communications referred to it by the Secretary-General from sources outside and inside the occupied territories. Where necessary, the Committee has followed up information contained in those communications.

29. The Special Committee undertook a series of hearings at Cairo, Amman and Damascus during its meetings from 31 May to 8 June 1997. At those meetings, the Special Committee heard the testimony of 31 persons having first-hand knowledge of the human rights situation existing in the occupied territories. Those testimonies are contained in documents and are reflected in the present report.

30. The Special Committee has taken particular care to rely on information appearing in the Israeli press that has not been contradicted by the Government of Israel.

31. The following paragraphs contain a summary of the information examined by the Special Committee divided as follows:

/...

(a) General situation;

(b) Administration of justice, including the right to a fair trial;

(c) Treatment of civilians;

(d) Treatment of detainees;

(e) Annexation and settlement;

(f) Information concerning the occupied Syrian Arab Golan.

32. This information has been divided into oral evidence and written information. In order to comply with restrictions on the volume of documentation now enjoined upon United Nations reports, the Special Committee has endeavoured to present the information in the most compact and concise form possible. Oral evidence, for which a full record of testimonies is available in documents A/AC.145/RT.715, 716, 717 and Add.1, 718, 719, 720 and Add.1, 721, 722 and 724, has been condensed to a general indication of the contents of such records. The report also attempts to summarize written information. That information is reflected in more detail in documents of the Special Committee, which are available on file in the Secretariat.

A. General situation

1. General developments and policy statements

Oral evidence

33. This is how the representative of the Gaza Centre for Rights and Law summed up the situation in the occupied territories:

> "I would have hoped to bring you some good news, as opposed to what I had to say in 1996. But unfortunately, the situation is deteriorating further. Instead of speaking of a détente, we are speaking of a crisis and a further worsening of the situation. The situation is indeed grave and difficult. The Palestinians are actually made to put up with too many problems every day.
>
> "We are always optimistic, in spite of what is happening. We have no other alternative than this path. The conditions are indeed difficult. The situation is cruel. It is tragic. But still, we have no other choice because we have no other solutions, we have no weapons, we do not have an economy, we do not even enjoy a geographical unity. But in our weakness, there is some strength. I am not speaking personally, but I am expressing the opinion of the Palestinians." (Mr. Ibrahim Khamis Shehada, witness no. 8, A/AC.145/RT.716)

34. The same witness stated the following regarding Jerusalem:

> "I can tell you that to me, Jerusalem is like a cake and every day, Israel is eating part of this cake. After some time, there will be no piece left for the Palestinians. There is the buying of land, the buying of houses. There is the effort to try to tempt some Palestinians who live in South America or in America, or simply outside, to sell." (Ibid.)

35. A witness described the general situation of the population in the Gaza Strip:

> "The living conditions are very difficult. Safetywise, there are no problems internally. If the Israelis would open the roads and allow the people to go to their work, there would be no frictions and no problems. What happens is that with the closing of the roads, tensions arise inside, even among the people, because of their frustrations and because they cannot go about normally." (Anonymous witness no. 2, A/AC.145/RT.715)

36. A witness described the general feeling among Palestinians regarding the daily aspects of the Israeli occupation:

> "Throughout the 30 years it has ruled over us, Israel has followed the plan to make us a servile servant in need of Israel. It is not just a question of work, it is not just a question of livelihood, it is also the ability to import and to export. We are being controlled by the Israeli authorities. For importing and exporting even outside Israel, we are still under their control. Even if we wish to import goods let us say from Egypt, we have to have their authorization, although these goods do not pass through Israel at all. They pass from Egypt directly to Gaza, but yet, we have to have their authorization. In some instances, there are deliberate delays for goods we are exporting or importing, perishable goods, so that these goods perish and are wasted. Again, this is to harm our economy and to rub it in further that we need Israel and cannot operate without it.
>
> "Regarding the deterioration of the situation, yes, of course the situation has deteriorated, because of repeated closures, because of the strangulation of the Palestinians and of the Palestinian economy. Before the setting up of the Palestinian Authority, Israel was responsible for everything in the Gaza Strip. It was responsible for the administration, labour, upkeep, for everything and there was no Palestinian National Authority to look after the interests of the Palestinians. What has happened then after the establishment of the Palestinian Authority is that the Israelis say that 'Now you have your National Authority, you can handle your problems with them, we only participate in doing so much'. This is a way of strangulating the Palestinian Authority itself, by making it completely dependent and void of any real authority by strangulating the Gaza Strip from the outside." (Anonymous witness no. 3, A/AC.145/RT.715)

37. A Palestinian lawyer described the atmosphere among Palestinians prior to the opening of the so-called Western Wall Tunnel:

> "Before the tunnel was opened under the Al-Aqsa Mosque, there was a general feeling of frustration in the Palestinian street, because of the

> violation of Palestinian rights by the Israeli authorities and because of the stand of the right-wing Israeli Government towards peace." (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

38. A witness described the feeling of frustration among the inhabitants of the occupied territories:

> "They are pushed and frustrated beyond their limits. There is an Arab proverb that says 'The more you press somebody, the more somebody is under pressure, the bigger the explosion will be'. The most basic rights of the Palestinians have been violated. The word 'recreation' does not exist for us. Everything is repressed. We are living under repression." (Anonymous witness no. 22, A/AC.145/RT.721)

39. A witness briefly described the general situation in the occupied territories during the reporting period:

> "As long as there are no problems that are particularly incited by the Israelis, things are calm. Things were very quiet before the declarations on the opening of the tunnel in Jerusalem and had there been no such declaration, had that event not taken place, nothing would have happened, because things were relatively calm. After the incident of the tunnel, things were relatively quiet, but then, when the Israeli authorities announced that they were starting building a settlement in Jabal Abu Ghneim, problems and clashes erupted again, after things had calmed down after the clashes due to the tunnel." (Anonymous witness no. 1, A/AC.145/RT.715)

40. The same witness described the aspirations of Palestinians:

> "People would like to have a quiet life. They want an honourable solution to give them an honourable life. It is not as the Israelis claim, it is not that the Palestinians are people given to crime or are people who are brutal. The Palestinians are like all other people: they want their homeland, they want to live in dignity and they want to live in honour. The Palestinian people's land is occupied, but they are not brutes, they are not animals, they do no seek to hurt anybody." (Ibid.)

41. Residency rights and the confiscation of the identity cards of Arab Jerusalemites were among the most topical human rights issues during the Special Committee's current reporting period. A representative of the Alternative Information Centre in Jerusalem provided the Committee with the following information:

> "Generally, the issue of Palestinian Jerusalemites' residency rights started with the occupation and with the declaration of annexation of Jerusalem on 28 June 1967, following the second occupation of Palestine. The Israelis have included in their legislation a law called 'entry to Israel'. Paragraph 11 particularly specifies that residents can get a right to permanent residency after continuous residence of seven years. It says also that if residents stay outside the country, they can lose their right to residency, and they will lose their right if they change their

centre of life. This law was not enforced until 1982, when the Israelis started to enforce it in regard to Palestinians, on the basis of a political decision not to let the Palestinian population grow to more than 28 per cent of the total population of Jerusalem. This policy had been established by a special commission of the Knesset on Jerusalem. In order to reach this objective and proceed to the limitation and the emigration of Jerusalemites out of the City, the Israelis have taken a number of measures: first, the confiscation of lands, depriving the Palestinian people living in Jerusalem from establishing their home and continuing to live in Jerusalem. This policy has been a continuous policy and until today there is confiscation of lands. The second measure is a restriction on the movement of Palestinians from outside Jerusalem to Jerusalem. There is no free access to Jerusalem for Palestinians from outside, either to visit or to live.

"In October 1996, the Israelis escalated their policy of ID card confiscation. The new policy is built on the concept of 'centre of life'. Now, if they are Jerusalemites, the residents of Jerusalem, father and mother, or husband and wife, have to prove it. They have to prove 100 per cent that their centre of life has always been Jerusalem, that they never left the City for more than three years in a row. This means that you have to have school certificates for the children, receipts of municipality taxes, receipts for the rent of your apartment. You need all kinds of receipts and bills to document that you live there. In other words, you are guilty until you can prove that you live there. According to estimations made by human rights organizations and researchers, 60,000 to 80,000 Palestinians are under the threat of losing their right to Jerusalem residency.

"Until January 1997, the Interior Ministry was denying that it was cancelling residency rights in Jerusalem. But the Minister of the Interior, Mr. Eli Suissa, from the Shass movement, a religious movement, declared very clearly that this was the law and that they would work according to the law: whoever does not live in Jerusalem will lose his or her right of residence as soon as possible, unless he or she can give proof of it.

"We were surprised by the massive way in which they proceeded: thousands of letters were distributed by the Ministry of the Interior to the Palestinians of East Jerusalem, even to those whose families had been living there for hundreds of years. They were also asked to hand in their ID cards to the Ministry as soon as possible, otherwise they would be taken by force.

"People have been panicking. This is what we could call a kind of terror, life terror. People do not feel secure. They don't feel stable in their life. At any moment, anyone can cancel their right to live in their own city, without measure, without any kind of sympathy.

"On the basis of the Israeli decision to limit the Palestinian population ratio at 28 per cent, and not more, of the whole population, when looking at the percentage of Palestinian people living in Jerusalem

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> since 1967 until 1996, you will find the same ratio. It is 27.5 per cent of the population in all Jerusalem. This means that Jerusalem, the capital of Palestine, cannot grow. There is something wrong: we cannot go and live in Jerusalem. A city like Jerusalem would have had to grow 10 times since 1967 until now. The number of people registered in Jerusalem until 31 March 1993 was estimated at 220,000 Palestinians. When the military closure was imposed on Jerusalem, it dramatically reduced the population to a real number of 160,000 Palestinians. So, of this number of people who didn't have the 'right' (because it is the Israelis who will give this right and not according to international law, which considers Jerusalem an occupied city) to live in Jerusalem, many of them are Jerusalemites." (Mr. Muhammad Jaradat, witness no. 7, A/AC.145/RT.716)

42. The witness pointed to the contrast regarding citizenship rights between Israelis and Palestinians:

> "As far as Israelis are concerned, you can have double citizenship. Palestinians, no.
>
> "You can lose your Jerusalem citizenship without being asked whether you want to renounce your citizenship as a foreign citizen.
>
> "If you are an Israeli, you can live wherever you want, as long as you need, all your life, you will not lose your residency. But Jerusalemites, as they are not citizens of Israel but residents, they must decide where they want to live and then, we can cancel their right if they live abroad. The irony in it is that the Israelis never declared Bethlehem or Ramallah, for example, to be a foreign country, but those who live there are considered foreigners! Here is the problem. If you live in Ramallah, you are considered as living outside the country." (Ibid.)

43. A lawyer from Jerusalem provided the Special Committee with a historical perspective concerning the Israeli population policy and its current effects regarding the confiscation of the identity cards of Arab Jerusalemites:

> "After 1967, Israel carried out a census of the Arab population in the City of Jerusalem and established who was entitled to live in Jerusalem and who was not entitled to live in Jerusalem. When the census took place, the Israelis gave to the Jerusalemites a different ID card from that of those living in the West Bank. This Jerusalem ID card was used in order to establish the Israeli policy and determine the percentage of Arabs in Jerusalem. It means that, according to them, the Arab population has to be limited to 28 per cent of the total population of Jerusalem.
>
> "Beside considering the Arab inhabitants of Jerusalem like residents, that is like any other foreigners, the Israelis applied another law to them. The law of entry to Israel of 1952 was amended in 1974 and considers the Arab Jerusalemites as residents, as if they had come from outside to Israel and as if the Jews had never come to occupy Israel, where they found the Palestinians, whom they declared residents. In accordance with the law of entry to Israel, the Jerusalem ID card can be withdrawn under three conditions: under 11 of 1974, if a Palestinian lives outside Jerusalem for

> seven consecutive years; if he becomes a citizen of another country; and, thirdly, if he applies for residency in another country. If one of those three conditions applies, then the Israeli authorities cancel the residency right and the residency card of the Palestinian concerned, who is then not allowed to return to Jerusalem.
>
> "Systematically, the Ministry of the Interior refused to recognize that there was a policy by which identity cards were withdrawn, until 4 May 1997, when the Ministry recognized that it had withdrawn the identity cards of Jerusalemites and that they had been expelled from the country. The Ministry did admit that 385 Palestinian Jerusalemites had had their identity cards withdrawn last year and that during the current year, 689 citizens have had their identity cards withdrawn and have been expelled from Jerusalem. Four hundred and two cases are still pending and under examination. This means that the Ministry of the Interior is going to withdraw the identity cards of these people.
>
> "These figures are Israeli figures. We are of the opinion that the actual number of cases is more than the figures we have.
>
> "Indeed, this policy is not new. This is a policy that started with the occupation, since 1967. However, it has been resorted to more intensively since 1993, that is, after the signing of the peace accord between Israel and the PLO. Israel used to confiscate, used to dispossess, used to build settlements, used to expel the population, all the time." (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

44. He provided the Special Committee with additional insight concerning the "centre of life" concept:

> "Beside considering the Arab inhabitants of Jerusalem like residents, that is like any other foreigners, the Israelis applied another law to them ... [See para. 43 above.]
>
> "And indeed, it was extremely difficult for a large number of Jerusalemites to prove that they lived in Jerusalem. Some of them are unable to pay their taxes. Some of them are unable to provide the necessary proofs and documents in accordance with the Israeli requirements. So, they see their residency rights cancelled." (Ibid.)

45. The lawyer also pointed out the link between residency rights and the chronic shortage of housing for Palestinian Jerusalemites:

> "Another issue I would like to refer to here is that Israel has prohibited building within Jerusalem. But, on the other side, it has allowed East Jerusalemites to build outside the municipal borders. They allowed them in and gave them building permits, however, without saying that their ID cards would be confiscated and their residency rights withdrawn if they live outside the borders of Jerusalem. So, many people went and built in the area of Aram, of Eizariya, Barid and Abilissa. So, since the end of 1995 with the start of the application of this new policy, these people have been threatened with the loss of their residency rights

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> in Jerusalem, the withdrawal of their identity card. We estimate their number at about 60,000 Jerusalemites." (Ibid.)

46. The representative of B'tselem, the Israeli Information Center for Human Rights in the Occupied Territories, provided the Special Committee with the following information concerning the status of the Arab population of Jerusalem:

> "In the City of Jerusalem, the inhabitants carry a special ID card, giving them the right of residency, but not citizenship. There are two kinds of identity cards, on the one hand for those who are naturalized Israelis and on the other, for those who are residents.
>
> "It is indeed strange that such a permit is given to the Palestinian inhabitants of Jerusalem. They were born in Jerusalem. They have no other home, this is their homeland. They have lived here for hundreds of years. And still, they are considered residents in their own place. Let us suppose that a citizen from the City of Jerusalem is being expelled from any other country in which he has resided, where shall he go? He goes back to his home, to Jerusalem. But what happens then if this person is expelled from Jerusalem? Where shall he go? This is his homeland, this is his home. Where else can he go?" (Mr. Najib Abu Rokaya, witness no. 29, A/AC.145/RT.722)

47. The representative of the Palestinian Centre for Human Rights provided the Special Committee with a general view of the policy of closure implemented by the Israeli authorities in the occupied Palestinian territories:

> "The policy of closure pursued by Israel is tantamount to a collective punishment imposed on the Palestinians and it is possible, with all the documentation and information we have, to refute all the allegations made by the Israeli Government in order to justify the imposition of the closure. Israel claims that security is the reason for imposing this closure on the Gaza Strip and the West Bank. We want to say that this closure does not ensure the security of Israel. On the contrary, it increases the deterioration of the economic conditions for the Palestinians and leads to more and more frustration on the part of the Palestinian people, increasing also the feelings of resentment against Israel and against the peace process - and even against the Palestinian Authority itself." (Mr. Hamdi Shakoura, witness no. 10, A/AC.145/RT.717/Add.1)

48. A witness voiced the apprehensions of the Palestinian population with regard to the future:

> "But people are still waiting to know what will happen, what will happen in the future. People might have to wait one year, two years, five years and, in the end, people would like to see something tangible in reality. Now, the Palestinian Authority has got things under control, but in future, if things remain the same, I do not know what kind of control there will be. People are expecting peace, they are waiting for the rights of the Palestinian people to be restored, the removal of the settlements as obstacles between the cities in the West Bank." (Anonymous witness no. 22, A/AC.145/RT.721)

49. Accounts of the general situation prevailing in the occupied territories may be found in documents A/AC.145/RT.715 (anonymous witnesses), A/AC.145/RT.716 (Mr. Muhammad Jaradat), A/AC.145/RT.716 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.717/Add.1 (Mr. Hamdi Shakoura), A/AC.145/RT.720 (Mr. Ahmad Rwaidy and Mr. Khaled Mahmud Quzmar), A/AC.145/RT.721 (anonymous witnesses) and A/AC.145/RT.722 (Mr. Najib Abu Rokaya).

Written information

50. On 1 May 1997, Col. Yoav Gallant took over the command of IDF troops in the Gaza Strip. Gallant, the former head of a naval underwater commando unit, replaced Brig.-Gen. Yitzhak Eitan. (Jerusalem Post, 1 May)

51. On 4 May, the Minister of Justice of the Palestinian Authority, Freih Abu Middein stated that the Palestinian Authority had decided that Palestinians who sold land to Israelis and were proved to have done so, whether directly or through a third party, were to be sentenced to death in a summary fashion. (The Jerusalem Times, 16 May)

52. On 9 May, it was reported that the Palestinian security forces had arrested a member of the Islamic Jihad movement on charges of working for the Israeli secret service. Ibrahim Ismail Taha Halabi from Gaza was accused of involvement in what appeared to be two Israeli-engineered suicide bombings carried out in the Gaza Strip on 1 April in the name of the Islamic Jihad. (The Jerusalem Times, 9 May)

53. On 9 May, it was reported that the Head of Public Intelligence in the West Bank, Brig.-Gen. Tawfik Tirawi, had accused Israel of an attempt to burn down the Ministry of the Interior in the A-Ram quarter of Jerusalem. Tirawi indicated that Israel had allocated some $15 million to finance operations aimed at spreading unrest throughout the areas under the rule of the Palestinian Authority. (The Jerusalem Times, 9 May)

54. On 16 May, the Palestinian security apparatus rounded up 11 Palestinians in the Gaza Strip on charges of working for the Israeli secret service, the Shabak. The collaborators had all been recruited during the intifada and continued to work for the service after the arrival of the Palestinian Authority. (The Jerusalem Times, 16 May)

55. On 16 May, it was reported that the Mufti of Jerusalem, Ikrimeh Sabri, had evoked a fatwa (religious ruling) going back 70 years in order to warn Muslims against selling land and property to Jews and Israelis. Referring to a ruling issued during the days of the British Mandate, the Mufti explained that the fatwa ruled that all Muslims who sold land to Jews should be expelled from the community. The fatwa was mentioned by the Mufti in the wake of the killing of an Armenian bishop and a local land dealer who were both suspected of selling land to Israelis. During his Friday sermon, the Mufti stated that land brokers, who were traitors, could not be buried in Muslim cemeteries, washed, prayed for or buried according to the fatwa. The Mufti later explained that the fatwa did not necessarily call for the killing of the land brokers. (The Jerusalem Times, 16 May)

56. On 18 May, the body of a Palestinian land dealer was found near to the Al Tireh Teacher Training Centre in Ramallah. The 48-year-old dealer had been shot in the head. (The Jerusalem Times, 23 May)

57. On 19 May, Prime Minister Benjamin Netanyahu blamed the Palestinians for the stalemate in the peace process, accusing them of flagrant violation of the Oslo Accords and of trying deliberately to deepen the crisis in the belief that it would serve their interests. In a statement before the Foreign Affairs and Defence Committee of the Knesset and in his opening address to the Knesset plenum, Mr. Netanyahu accused the Palestinian Authority of not rescinding the Palestinian Charter, which calls for the destruction of Israel; not fighting "terrorism"; and continuing incitement against Israel. In addition, Mr. Netanyahu strongly condemned the killing of two Palestinian land dealers and described as monstrous the Palestinian law according to which anyone selling land to Jews should be executed. With regard to settlement activities, Mr. Netanyahu dismissed suggestions that Israel should stop building beyond the Green Line. Mr. Netanyahu stated that he could not believe that anyone would seriously suggest stopping building in the what he called the "communities". "Will building be stopped in Kalkiliya? Ramallah? Jenin?", he asked. "If I proposed stopping building in Ramallah", Mr. Netanyahu continued, "would it be accepted? Of course not. So to suggest it in relation to Ariel, Beit El or Silo is unreasonable." Mr. Netanyahu's plenary address came under fire by the Labour party leader, Shimon Peres, who charged that there was no stalemate in the peace process but a dynamic deterioration. Mr. Peres stated that there was only argument, dispute, hatred, division and a lack of hope. (Jerusalem Post, 20 May)

58. On 20 May, the Chief of General Staff, Lt.-Gen. Amnon Lipkin Shahak, told the Foreign Affairs and Defence Committee that feelings of hatred were returning to the Palestinian streets. According to an official briefing, Shahak stated that the present situation could not continue much longer, adding that it could lead either to violence or to dialogue. Shahak also confirmed reports that some Fatah activists had joined the Islamic Jihad and that there were rocket-propelled grenades in the Gaza Strip. (Jerusalem Post, 21 May)

59. On 20 May, Prime Minister Benjamin Netanyahu rejected a United States report according to which 26 per cent of the housing units in settlements in the West Bank and 56 per cent in the Gaza Strip were unoccupied. Mr. Netanyahu stated that the real figures amounted to a tiny fraction of those cited. He noted, for example, that the Ariel settlement, which the report claimed had 2,000 empty homes, did not have many more than 2,000 homes altogether, showing that Ariel was not an abandoned settlement. Salai Meridor, the head of the Jewish Agency's Settlement Department, also stated that there were hardly any empty homes in the territories and that in most settlements there was not even one empty apartment. Mr. Meridor stated that he wished that the report were true because in that case his agency could fill the empty apartments very quickly. He concluded by observing that it was a well known fact that the Jewish population in the territories had been growing at a rate of 10 per cent a year, or 50,000 over the past four years, and expressed his confidence that this trend would continue. Peace Now spokesman Mossy Raz stated that the figures his movement had were somewhere between those cited in the American report and the settlers' claim that there were hardly any empty apartments available. He

estimated that some 12 per cent of the housing units in the territories were empty. He stated, however, that although his figures were lower than those in the survey, it strengthened his movement's demands that all construction in the territories be halted. The United States Consul-General in Jerusalem, Edward Abington, defended the report, stating that its figures were more or less accurate. He told Reuters that there was no need for the natural growth of settlements if there was such a high vacancy rate. (Ha'aretz, 20 and 21 May; Jerusalem Post, 21 May)

60. On 21 May, the United States and Israel sharply criticized Palestinian Authority Chairman Yasser Arafat for stating that he backed a law imposing the death penalty for land sales to Jews. The Israeli Cabinet Secretary Danny Naveh stated that the Government would complain to the United Nations over the Palestinian Authority's decision to impose the death penalty on people who sold land to Jews. A further statement issued by the Prime Minister's Office described the decision as being in essence racist and reeking of anti-Semitism. (Jerusalem Post, 22 May)

61. On 21 May, a report of the official Palestinian news agency, Wafa, revealed that the Israeli Ministry of the Interior had decided to grant Israeli citizenship to 2,000 Palestinians in Jerusalem. (The Jerusalem Times, 23 May)

62. On 23 May, it was reported that a plan for the construction of 3,000 housing units in the Arab neighbourhood of Sur Bahir, which faces the Har Homa settlement, had been approved by the Jerusalem Regional Planning Committee. The chairman of the Jerusalem Planning Board, Motti Houta, indicated, however, that actual construction would depend on the private owners of each plot of land, who would have to prepare their own plans in order to start building. (Jerusalem Post, 23 May)

63. On 24 May, Palestinian Authority Attorney-General Khalid Qidrah told reporters that 12 Palestinian land dealers who were suspected of selling land to Jews had been arrested, in addition to six others who had been arrested in the Hebron area during the previous week. In a related development, Palestinian Authority Justice Minister Freih Abu Middein told the Jerusalem Post that he had a list of 200 suspicious land dealers that had been drawn up by Jordan when it imposed the death penalty in absentia on dealers who sold land to Jews. He stated that the Palestinian Authority would go through the list and, if necessary, try the dealers. (Jerusalem Post, 25 May)

64. On 26 May, Prime Minister Benjamin Netanyahu declared that he had no intention of stopping the construction of Har Homa or in other settlements, explaining that it was part of his Government's policy of preventing the redivision of Jerusalem and ensuring that there would be no return to the 1967 borders. (Ha'aretz, 25 May; Jerusalem Post, 27 May)

65. On 29 May, the Israeli authorities prevented the Palestinian Authority Minister of Communications, Imad Falouji, from inaugurating a post office in the centre of Hebron. The Israeli army declared the location, which is close to the Ibrahimi Mosque, a closed military area. Falouji stressed that civilian affairs in the Old City of Hebron were in the hands of the Palestinian Authority.

Israel stated that the action was taken because the Authority had failed to coordinate the opening with them in advance. (The Jerusalem Times, 6 June)

66. On 30 May, it was reported that the Palestinian Authority had recently launched a large-scale investigation to identify the land dealers involved in the sale of Palestinian land to Jews. Two brothers from a village near Kalkiliya were brought before a Palestinian court on suspicion of having sold the land on which the Alfei Menasheh settlement was built. In a separate development, a land broker from the northern part of the West Bank, Rashad Salameh, disappeared a few days earlier. Palestinian sources said that a list had recently been prepared of several hundred West Bank residents suspected of selling land to Jews or of brokering such deals. The Palestinian Authority leadership decided to investigate the cases and bring the accused to trial. (The Jerusalem Times, 30 May)

67. On 2 June, Defence Minister Yitzhak Mordechai told the Foreign Affairs and Defence Committee of the Knesset that Israel had to take intensive action to stop the killing of Arab land dealers accused of selling land to Jews. Mr. Mordechai stated that currently it was not known which level of the Palestinian establishment was responsible for giving the order to murder the land dealers, but that it was clear that the Palestinian establishment was involved. Palestinian Authority Secretary-General Ahmed Abdel Rahman stated that the ban on land sales to Jews had dealt a severe blow to Israel's settlement drive in the West Bank. He denied, however, that the Palestinian Liberation Organization (PLO) was behind the killings. (Jerusalem Post, 3 June)

68. On 3 June, Prime Minister Benjamin Netanyahu told coalition Members of the Knesset (MK) that Israel intended to put on trial Palestinians held for involvement in the murder of suspected land dealers. Mr. Netanyahu stated that Israel was carrying out an extensive investigation, which had already led to one of those responsible in the Palestinian Authority. He called upon the Authority to cease and desist from such barbaric acts, which cast a grave shadow over its intentions to make peace and its commitment to human rights. Finally, Mr. Netanyahu argued that the decision by the Ministerial Committee on Jerusalem to deploy 400 additional police officers in East Jerusalem had been made on the basis of the desire of local residents to "see the rule of law and order" in that part of the City. (Ha'aretz, 3 and 4 June; Jerusalem Post, 4 June)

69. On 4 June, General Amin Hindi denied any connection between the Palestinian security apparatus and the killing over the past month of three Palestinian land brokers who were accused of selling land to Israeli parties. Hindi was commenting on Israel's decision to arrest the Head of the Intelligence Service in Ramallah, Hussein Alayan Saadah, a close associate of Brig.-Gen. Tawfiq Tirawi, on charges of questioning land brokers Farid Bashiti and Ali Jumhur and of later allegedly killing them. Israel also accused Tirawi of planning the abduction and killing of the land brokers. (The Jerusalem Times, 6 June)

70. On 5 June, in a special letter submitted to the United Nations Secretary-General's office, Israel urged the international community represented at the United Nations to publicly and strongly condemn "the abominable phenomenon of murder of Palestinian land dealers". It also requested the United Nations to

appeal to the Palestinian Authority to take all the necessary measures to put an end to the practice. The letter recalled that the murders had been given justification in several declarations by senior officials in the Palestinian Authority who advocated punishing those who sold land to Jews on the grounds that such dealings constituted treason punishable by death. (Ha'aretz, 6 June)

71. On 6 June, it was reported that in view of the three recent killings of land brokers the Israeli Government had decided to increase its police presence in East Jerusalem by 400 men and to arm Palestinian land brokers and Shin Bet agents out of fear for their lives. The Palestinian Authority had categorically denied Israeli allegations that it was involved in the three killings. However, Authority officials had spoken openly of the need to arrest all those suspected of selling Arab land to Jews and to bring them to court. (The Jerusalem Times, 6 June)

72. On 6 June, the Mufti of Jerusalem announced during his Friday sermon at the Al-Aqsa Mosque that the Islamic Higher Council had issued a new fatwa that called upon all Palestinians to ostracize collaborators and land brokers who sold Palestinian property to Jews. The Mufti stressed that the religious ruling should be applied only to the perpetrators and not to their families. In a related development, Israel decided to withdraw the VIP card of the Head of Palestinian Intelligence in the West Bank, Brig.-Gen. Tawfiq Tirawi, on grounds of alleged involvement in the killing of three land brokers the previous month. The VIP cards, issued after the signing of the Oslo Accords, give Palestinian notables the right to travel freely to the West Bank, the Gaza Strip and within Israel. (The Jerusalem Times, 13 June)

73. On 6 June, it was reported that the Palestinian Authority's Ministry of Information had issued a comprehensive report on Israeli violations of the Declaration of Principles, which it signed in Washington on 13 September 1993. According to the report, since the signing of the Declaration Of Principles until 15 May 1997 the Israeli authorities had demolished 439 houses. During that period, the Israeli occupation forces had confiscated 300,000 dunums of Palestinian land, 25,000 of them in Jerusalem, including 420 in Jabal Abu Ghneim. The report also mentioned that the total number of martyrs during this period was 243. The report added that 358 identity cards had been withdrawn from 1 January to 5 May 1997. Over the past two years, the Israeli Ministry had also refused to register some 10,000 Palestinian children whose parents were holders of Jerusalem identity cards. According to the report, the Palestinian territories had been closed by the Israeli authorities for a total of 411 days between 1995 and 1997. (The Jerusalem Times, 6 June)

74. On 9 June, Prime Minister Netanyahu told members of the Knesset from the Likud Gesher and Tsomet parties that "construction in Jerusalem, including on Har Homa, as well as construction in the settlements of Judea, Samaria (West Bank) and Gaza continues and will continue". Mr. Netanyahu once again rejected the establishment of a Palestinian State in the areas of the Palestinian Authority on the grounds that such a State would threaten Israel's very existence. (Ha'aretz, Jerusalem Post, 10 June)

75. On 13 June, it was reported that the heads of the churches in Jerusalem had been astonished to learn of an official Israeli report presenting them "as a

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spearhead of PNA activity against Israel". The yet unpublished report had been prepared by Uri Mor, the Israeli official responsible for Christian affairs in the Israeli Ministry of Religious Affairs. (The Jerusalem Times, 13 June)

76. On 16 June, a Palestinian land dealer, Hakam Qamhawi, died in a hospital in Ramallah after attempting to commit suicide. Qamhawi had been interrogated a week earlier at a Ramallah police station. (The Jerusalem Times, 20 June)

77. On 18 June, Amnesty International issued its annual report on human rights violations according to which at least 89 Palestinians, 60 of them civilians, had been shot dead by Israeli forces in 1996. Some had been shot during armed confrontations, while others had been killed in circumstances suggesting extrajudicial executions or the use of other illegal fatal force. The report also charged that at least 1,600 Palestinians had been arrested and at least 600 Palestinians and 5 Israeli Jews placed under administrative detention. At least 1,000 Palestinians had been tried in military courts, which did not fulfil internationally recognized criteria for a fair trial. The report added that torture of Palestinians continued to be used systematically in Israel. Officially, torture was subjected to limitations contained in secret instructions, which enabled the General Security Service (GSS) to employ "moderate physical and mental pressure" against those being interrogated. The report indicated that the Interministerial Committee on the GSS had continued to grant the GSS three-month permits to use "increased physical pressure", the meaning of which continued to be kept confidential. The report stated that the Government of Israel had formulated a bill that could make torture legal. The report also noted that in November 1996, four Israeli regiment fighters had been fined one penny for causing the death by negligence of Iyad Amali in 1993 while he was travelling in a car that had been stopped at a roadblock. The report also observed that at least 70 Israelis, 56 of them civilians, had been killed during "terrorist" attacks by Palestinian groups opposing the peace process. (Ha'aretz, 18 June)

78. On 23 June, the Civil Administration in the West Bank held a simulation exercise aimed at dealing with a variety of scenarios that could occur in the territories. Israel Radio reported that the exercise had focused on preparing for violence and practised returning the Civil Administration to the territories now under Palestinian control as well as arresting Palestinian leaders and replacing them with Israeli Arabs. It also reported that the Civil Administration was training for the implementation of various other measures, including the cancellation of VIP cards and economic sanctions. The radio report was vehemently denied by the Civil Administration. Nevertheless, Palestinian Authority Cabinet Secretary-General Tayeb Abel Rahim warned that Israel intended to recapture territory it had handed over to the Palestinian Authority. Mr. Rahim stated that he had information that Israel was conducting military exercises as part of an operation called "Field of Thorns", which was aimed at reoccupying land returned to the Palestinians in order to embarrass the Palestinian Authority publicly and to create havoc. (Jerusalem Post, 25 June)

79. On 27 June, it was reported that the Palestinian Authority had condemned the recent Knesset decision to annex to Israel the settlements built inside the Palestinian territories. (The Jerusalem Times, 27 June)

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80. On 29 June, the Foreign Ministry expressed Israel's "surprise" at a report presented to the United Nations General Assembly by the Secretary-General according to which construction at Har Homa posed a serious threat to the peace process and constituted the final step towards the isolation of Jerusalem from the rest of the West Bank. A Ministry statement called the report one-sided and noted that it had been released to the media before being distributed to Member States. The communiqué further called on Members of the United Nations to reject the report and instead urge the Palestinians to return to direct negotiations, as required by the Madrid Conference and the Oslo Accords. (Jerusalem Post, 30 June)

81. On 29 June, Prime Minister Netanyahu condemned the posting of leaflets depicting the Prophet Mohammed as a pig writing the Koran as an "abominable and despicable attack on Islam and on its founder, the Prophet Mohammed". He was joined by President Ezer Weizman, who publicly apologized for the publication of the posters, which had been pasted on walls outside Palestinian stores in Hebron, allegedly by a Jewish woman from Jerusalem. (Jerusalem Post, 30 June and 1 July)

82. On 1 July, the Association for Human Rights in Israel released its annual report on human rights violations, according to which there had been an increase in the violation of human rights of the Palestinian residents of the territories and Israeli Arabs, mainly with regard to GSS interrogation methods. The report noted that the High Court of Justice had so far refrained from discussing the legality of such interrogations. On the other hand, two United Nations bodies - the Committee Against Torture and the Special Rapporteur on Torture - had determined that such practices amounted to torture. In this regard, the Association's legal adviser, lawyer Dan Yakir, noted that the High Court had recently banned the shaking of a crocodile but continued to refrain from banning the shaking of a human being. Mr. Yakir also condemned the bill aimed at denying victims of the intifada the right to claim damages from the State. In his view, the proposed legislation would retroactively revoke outstanding rights of Palestinians who had been injured by IDF soldiers either deliberately or by negligence. The report charged that 250 Palestinian administrative detainees continued to be held in Israel, some of them for more than three consecutive years. In this regard, the report pointed to the double standards of Israeli public opinion, which tacitly accepted the detention of the Palestinians but caused uproars over the arrest of a few Jewish right-wing activists. The report also warned of increased dangers for the freedom of expression, with Lawyer Yakir stating that the High Court's ruling, which had rejected an appeal by a Palestinian journalist of his conviction on publishing words of praise for the intifada, had undermined journalists' work and their role in safeguarding democracy. The report charged further that the violent behaviour of border policemen, especially towards minority groups, continued to occur. In this connection, it cited, among other things, the severe damage inflicted to structures belonging to the Tarabin A-Sana tribe during a police raid as well as incidents of harassment of Palestinian labourers at a roadblock near Jerusalem in November 1996. (Ha'aretz, 2 July)

83. On 2 July, the Prime Minister invited two Cabinet ministers, Jerusalem Mayor Ehud Olmert and senior security officials to a special meeting to consider appropriate measures against "illegal" building activities in East Jerusalem.

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The initiative was prompted by indications that construction in East Jerusalem was being financed by the Palestinian Authority owing to legal loopholes that made it possible. (Jerusalem Post, 2 July)

84. On 4 July, the Palestinian Cabinet called for an Arab summit meeting to be convened in order to deal with what it described as the Israeli policy that threatened Jerusalem and the peace process. The Cabinet also issued a call for the holding of an international summit to the same effect with the participation of the United States and European countries. (Ha'aretz, 6 July)

85. On 4 July, military sources reported that the Israel Defence Forces (IDF) and GSS had carried out large-scale arrests in the territories. The sources reported that among those detained were Hamas and Islamic Jihad activists. Some 480 Islamic Jihad and Hamas activists were said to have been rounded up since the beginning of the year. Those detained also included religious figures who had allegedly been involved in attacks. (Ha'aretz, 4 July)

86. On 4 July, it was reported that Palestinian and Israeli officials had decided to reduce tensions in the Um Qureis area near Rafah. The Palestinians agreed to remove their protest tents in exchange for the reopening of the Um Qureis road that links Khan Younis to Rafah. (The Jerusalem Times, 4 July)

87. On 7 July, the Palestinian Authority announced its intention to continue its battle against Palestinians involved in deals to sell land to Israelis. The Palestinian Authority Justice Minister, Freih Abu Middein, stated that 22 suspected dealers had already been arrested and were expected to be brought to justice shortly. (Ha'aretz, 8 July)

88. On 10 July, in an interview with the French newspaper Le Figaro, the Palestinian Authority Chairman Yasser Arafat stated that Prime Minister Netanyahu did not want peace and warned that his policy was drawing the Middle East to the verge of an explosion. He also accused Netanyahu of ordering the IDF to surround the Palestinian autonomous areas. Asked whether the current deterioration in the situation risked leading to a war or a renewed intifada, Mr. Arafat stated that everything was possible. (Ha'aretz, 11 July)

89. On 11 July, the Palestinian Authority Minister of Justice, Freih Abu Middein, stated that the Palestinian Authority had stepped up its campaign against land dealers who sold property to Israelis. Abu Middein stated that 22 land dealers were currently under investigation for forging papers and impersonating others to sell land to settlers. Abu Middein added that land dealers had forged the title deeds of property that belonged to Palestinians who were living abroad. (The Jerusalem Times, 11 July)

90. On 15 July, the United Nations General Assembly passed a wide-ranging resolution condemning Israel for the Har Homa settlement project. Adopted by a vote of 131 to 3 with 14 abstentions, the resolution, the third of its kind in three months, demanded that Israel immediately stop construction on Har Homa. It affirmed further that Israeli settlement in East Jerusalem and the rest of the occupied Palestinian territory was illegal. It also made oblique references to limiting Israeli participation in the United Nations. The resolution, which was not binding, did not call directly for economic sanctions against Israel.

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However, it urged Members actively to discourage activities that contributed directly to any construction or development of Israeli settlements in the occupied Palestinian territory, including Jerusalem. Finally, the resolution recommended the convening of a conference about the Fourth Geneva Convention to enforce international rules for the protection of Palestinians in Israeli occupied territory. Speaking to Knesset reporters, Prime Minister Netanyahu blasted the United Nations resolution. Mr. Netanyahu stated that at a time when there were terrible wars in the world, starvation, disease and plagues, the United Nations was dealing with what he described as two or three bulldozers engaged in the construction of a few homes for peaceful citizens in Jerusalem. The United Nations resolution also came under attack from Mr. Netanyahu's communications chief David Bar-Ilan, who described it as "shameful and morally bankrupt". In a further Israeli reaction to the resolution, Jerusalem Mayor Ehud Olmert promised that the construction of the Har Homa settlement would continue unabated, "despite the United Nations, despite riots in Hebron and despite warnings that the West Bank was on the verge of an explosion". (Ha'aretz, 16 July; Jerusalem Post, 17 July)

91. On 15 July, Israeli soldiers arrested the deputy commander of the police in Tulkarm, Colonel Munir Abboushi, and the Deputy Governor of Jenin, Ramadan Al Batta. Al Batta was later released, while Abboushi remained in custody. An Israeli military indicated that Abboushi had been involved in illegal activities. (The Jerusalem Times, 18 July)

92. On 17 July, Brig.-Gen. Yitzhak Eitan took over command of IDF troops in Judea and Samaria (West Bank), replacing Maj.-Gen. Gabi Ophir. Eitan had been the commander of IDF troops in the Gaza Strip for the past two years. (Jerusalem Post, 16 July)

93. On 17 July, it was reported that the Palestinian News Agency Wafa had disclosed that stones from the vestiges of the Umayyad Palace on the southern side of the Al-Aqsa Mosque had recently been removed by the Israeli Ministry of Religious Affairs and dispatched to Germany where they were to be chemically treated to make them look like stones from the time of the Second Temple. The report added that the stones were to be returned to Jerusalem in order to be used as part of the material with which Jewish extremists intended to rebuild the Temple on the ruins of the Al-Aqsa Mosque once it was destroyed. (The Jerusalem Times, 1 August)

94. On 18 July, it was reported that Jerusalem Mayor Ehud Olmert had stated that his Municipality had come to an agreement with the police to tear down scores of houses in East Jerusalem starting in October. (The Jerusalem Times, 18 July)

95. On 18 July, the Israeli Jerusalem weekly Kol Hair reported that Attorney-General Amnon Rubinstein had decided to allow rabbis from the settlements in the West Bank and Gaza Strip to visit the Al-Aqsa Mosque and walk freely around its compound, unescorted by the representatives of the Islamic Waqf. The report stated that Rubinstein had announced that all restrictions concerning visits by Jews to the compound were to be lifted. (The Jerusalem Times, 25 July)

96. On 20 July, it was reported that the IDF had warned that retaking Palestinian-controlled cities was not a realistic option after army war games had shown that the operation would result in several hundred deaths as well as thousands of injuries and would serve no constructive purpose. The IDF recommended other responses in case of a deterioration in the situation in the territories, including the sealing off of the Palestinian-controlled areas and sending reinforcements to specific flashpoints such as the Hebron settlement and Joseph's Tomb in Nablus. (Ha'aretz, Jerusalem Post, 20 July)

97. On 21 July, the Israeli Minister of Internal Security, Avigdor Kahalani, reassured the Islamic Waqf that Jewish worshippers would not be allowed to enter the Al-Aqsa compound and pray whenever they wanted. (The Jerusalem Times, 25 July)

98. On 22 July, the head of the GSS, Ami Ayalon, told the Foreign Affairs and Defence Committee of the Knesset that the territories were burning and that there were no quiet days there. Presenting his biannual report to the Committee, Mr. Ayalon stated that some 300 incidents had occurred in the territories over the past six months, in particular in Hebron, Bethlehem and Nablus. He cautioned that the slower the progress in the diplomatic process, the more the status of Palestinian Authority Chairman Yasser Arafat would decline, which would boost the standing of the rejectionists. (Jerusalem Post, 23 July)

99. On 22 July, Israeli soldiers stopped and arrested four members of the Palestinian Legislative Council on the Nablus-Ramallah highway. The four were questioned in Beit El and were later released. (The Jerusalem Times, 25 July)

100. On 24 July, Prime Minister Netanyahu decided to revoke the VIP status of Police Superintendent Brig.-Gen. Ghazi Jabali for alleged anti-Israeli activities. The VIP status allows Palestinian officials to travel through Israel unimpeded. In a separate development, an Israeli District Court ruled that Yehuda Etzion, the head of the right-wing Jewish extremist party Hai ve Kayam, could pray in the Al-Aqsa Mosque compound on condition that he not use his phylacteries and that he whisper his prayers. (The Jerusalem Times, 1 August)

101. On 25 July, it was reported that Israel had arrested three Palestinian policemen in Nablus for allegedly planning attacks on Israeli settlers in the nearby Bracha settlement. President Yasser Arafat strongly denounced the arrest of the three policemen. He nonetheless ordered the setting up of a commission of inquiry to investigate the affair following Israeli allegations that the Chief Police Commissioner of the Palestinian Authority Brig.-Gen. Ghazi Jabali, was also involved in anti-Israeli activities. In a separate development, it was reported that the Palestinian Police had discovered an explosive factory run by the Islamic resistance movement Hamas. The factory was discovered in the town of Beit Sahur, near Bethlehem. (The Jerusalem Times, 25 July)

102. On 27 July, the IDF destroyed a tunnel in the border town of Rafah, in the Gaza Strip. A spokesman for the Israeli army stated that the tunnel had been used to smuggle out wanted men and to smuggle in weapons. In a separate development, the head of the right-wing Jewish extremist party Hai ve Kayam was

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prevented by guards from entering the Holy Compound of the Al-Aqsa Mosque, despite an Israeli ruling allowing him to proceed unimpeded. (The Jerusalem Times, 1 August)

103. On 29 July, Prime Minister Netanyahu declared in an newspaper interview that Israel would not suspend its settlement activities, as requested by the United States, and would not accept any American dictates since it was not a United States protectorate. Mr. Netanyahu also ruled out any consultations with the Palestinians regarding the second phase of IDF redeployment in the West Bank, scheduled for the autumn. (Ha'aretz, 30 July)

104. On 30 July, in the aftermath of a double suicide bombing attack in Jerusalem in which 13 people were killed, in addition to the 2 bombers, and up to 172 injured, the Israeli Cabinet issued the following communiqué:

> "The Cabinet, sitting as the Ministerial Committee on National Security, decided on the following steps in the wake of the terrorist attack in Jerusalem:
>
> 1. The Committee directed the IDF and the security services to carry out a series of security measures against the Palestinian terrorist organizations;
>
> 2. The Ministerial Committee on National Security views the Palestinian Authority as responsible for the acts of terrorism and murder against innocent civilians in Jerusalem, since it did not take the steps which it was committed to taking, including war on the terrorist organizations and their infrastructure;
>
> 3. The Ministerial Committee demands that the Palestinian Authority honour all of its commitments to fight the terrorist organizations and their infrastructure and prevent all violence and incitement to violence;
>
> 4. The Ministerial Committee determines that in order for it to be possible to advance the peace process, the Palestinian Authority must honour all of its commitments including - first and foremost - to fight the terrorist organizations and their infrastructure." (Ha'aretz, Jerusalem Post 31 July)

105. On 31 July, Interior Minister Avigdor Kahalani issued a closure order for the East Jerusalem-based Institute for Welfare and Development on the grounds that it represented the Palestinian Authority in Jerusalem. The Institute, which helps needy Palestinians in East Jerusalem, issued a statement, however, that it was not linked to the Palestinian Authority and that it had been registered with the Israeli Associations Office since 1993. It also indicated that all its funds came from known sources, which were also registered at the Israeli Associations Office. (Ha'aretz, Jerusalem Post 1 August)

106. On 31 July, Israel Radio reported that the Cabinet, sitting as the Committee on National Security, had granted permission to special Israeli units to operate in area A (under full Palestinian control) against Palestinians suspected of involvement in "terrorist" activities. Commenting on the Cabinet's

decision, Palestinian Preventive Security Service Chief, Col. Jibril Rajoub, warned that if IDF troops entered area A, the Palestinians would defend themselves. In a related development, several dozen Palestinian suspects are said to have been arrested in the territories. (Ha'aretz, Jerusalem Post 1 August)

107. On 31 July, members of Israeli's special forces entered Tulkarm clandestinely in order to kidnap a member of the Islamic Jihad, Ghassam Mihdawi. Mihdawi was one of two prisoners who had succeeded in escaping from Kfar Yona prison through a tunnel. Palestinian security sources described the incident as the most blatant and serious violation of the accords Israel had signed with the PLO. (The Jerusalem Times, 1 August)

108. On 5 August, the Al-Quds press agency based in Cyprus revealed that the suicide bombers who blew themselves up at the Mahaneh Yehuda market on 31 July were Palestinians from the Ein-el-Hilweh refugee camp in Lebanon. The Al-Quds agency, quoting informed Palestinian sources, indicated that the two men had been members of the Fatah who had joined the Islamic resistance movement, Hamas. (The Jerusalem Times, 8 August)

109. On 6 August, Hamas repeated threats of launching additional suicide bomb attacks against Israel. Hamas is demanding the release of all Palestinian prisoners currently incarcerated in Israel. (The Jerusalem Times, 8 August)

110. On 7 August, the Palestinian Authority Minister of Health, Dr. Riad Za'anun, speaking before the "Face the Press" forum in Gaza, stated that six Palestinians had died as a result of the continuing closure of the West Bank and Gaza Strip. Za'anun indicated that five of them had been trying to reach hospitals in Jerusalem, in Cairo or in Amman. A human rights organization indicated that the sixth victim was a child from the Hebron area. Za'anun told journalists that there were 80 cases of people who needed urgent medical treatment but were not being allowed to cross into neighbouring Jordan and Egypt. The Minister added that the child vaccination campaign throughout the Palestinian territories had been on hold since the closure began on 31 July. In a related development, 13 families from Khan Younis in the Gaza Strip appealed to human rights and legal organizations to save their children from the disease known as PKU, which requires special food and milk, none of which has reached the Gaza Strip since the closure. (The Jerusalem Times, 15 August)

111. On 14 August, speaking at a graduation ceremony of the National Defence College, Prime Minister Netanyahu attacked the Palestinian Authority for not cracking down on "terrorism", which, he stated, was a precondition for the continuation of the peace process. Mr. Netanyahu also charged that "terrorists" in territory controlled by the Authority were gaining in strength since Palestinian towns served as their refuge after attacks perpetrated in Israel. (Jerusalem Post, 15 August)

112. On 15 August, according to the Alternative Information Centre, a joint Palestinian-Israeli organization, it was reported that 4,000 Jerusalem identity cards had been withdrawn by the Israeli Government since 1967. (The Jerusalem Times, 15 August)

113. On 16 August, Palestinian Authority Chairman Arafat charged that Israel's economic sanctions against the Palestinians, in particular the withholding of $70 million in tax, customs and VAT rebates owed to the Authority, were meant to "humiliate the Palestinian people and bring them to their knees". He declared, however, that the Palestinian people would never kneel before anyone but God and that the Israeli siege would not break them. Mr. Arafat also warned that the Palestinian people were willing if necessary to give up implementation of the peace accords and return to the hardships of the past. Finally, he stated that the Palestinians rejected Israeli demands that they act against their brethren and were unwilling to accept dictates on the issue from anyone. The spokesmen for the Prime Minister's Office and the Foreign Ministry were instructed not to comment on any of Yasser Arafat's statements. A concurrent call for a boycott of Israeli products reportedly made by Mr. Arafat's economic adviser, Khaled Islam, was also not followed by an official reaction. (Jerusalem Post, 17 August)

114. On 19 August, it was reported that more than 250 activists of the Hamas, the Islamic Jihad and the Popular Front for the Liberation of Palestine (PFLP) had been arrested in the territories since the 30 July suicide bombing attack in Jerusalem. (Ha'aretz, 19 August)

115. On 21 August, National Infrastructure Minister Ariel Sharon stated that the free movement granted to Palestinian VIPs, whom he referred to as "high rollers and bar flies who suck the juice of the Palestinian people" should be cancelled. Mr. Sharon contended that the freedom of movements given to those people was "a gesture" and was not obligatory under the Oslo Accords. (Jerusalem Post, 22 August)

116. On 21 August, Prime Minister Netanyahu declared that his Government would not be "conned" by the Palestinian Authority into accepting its current level of action against "terrorists" as an appropriate response to Mahaneh Yehuda bombing attack on 4 July. His pronouncements coincided with a prevailing sense of dismay and disdain in Israeli official circles regarding the convening by Palestinian Authority Chairman Arafat of national unity meetings with Hamas and Islamic Jihad leaders in Gaza and Ramallah. "The steps the Palestinian Authority has taken in the security sphere up to now are only initial steps which have not fulfilled our expectations", he stated, adding that no one could expect the continuation of the peace process while turning a blind eye to the fact that the Palestinian Authority was not fighting "terrorism". On the other hand, he contended that Israel had proved its goodwill by transferring to the Palestinian Authority part of the funds collected as customs and taxes. Palestinian officials were quoted by Reuters as stating that they had received NIS 40 million that had been withheld by Israel. (Jerusalem Post, 22 August)

117. On 22 August, in retaliation against the economic sanctions imposed by Israel on the Palestinian territories since 30 July, the Palestinian Authority decided to boycott Israeli goods not vital to the Palestinian economy or having a Palestinian equivalent. Palestinian officials at the entrance to Gaza stated that several items of Israeli goods heading for Gaza had been turned back at the Muntar crossing point in northern Gaza. (The Jerusalem Times, 22 August)

118. On 22 August, it was reported that a Fatah spokesman in Lebanon had denied reports that the organization was responsible for the launching of Katyusha rockets into northern Israel on 8 August 1997. (The Jerusalem Times, 22 August)

119. On 23 August, the Palestinian Authority stated that it was taking steps to protect its leaders following a report that Israel was preparing an assassination team to kill Hamas officials and Chairman Arafat. Hassan Asfour, a senior Oslo Accord negotiator, stated that the Palestinian Cabinet and PLO Executive Committee had discussed the issue on 22 August in Ramallah. He refused to disclose, however, the steps that would be taken. "The Palestinian side wants a clear answer from Israel about the news that there is a commando team being prepared to murder Hamas leaders and President Arafat", he stated, adding that he was basing his information on Israeli newspapers quoting foreign reports. Mr. Asfour stated that the report could not be taken lightly because of what he described as the Israeli Government's determination to destroy the peace process. (Jerusalem Post, 24 August)

120. On 24 August, the Palestinian Authority appealed to the United States and Europe to intervene in order to put an end to the closure of Bethlehem, the demolition of Palestinian homes and alleged Israeli plans to dispatch death squads into Palestinian-ruled areas. (Jerusalem Post, 25 August)

121. On 29 August, it was reported that 470 Palestinians had been killed by the IDF and settlers since the Oslo Accords were signed on 13 September 1993. Solidarity International, which published the report, indicated that 38 Palestinians had been killed since the beginning of 1997. (The Jerusalem Times, 29 August)

2. Incidents resulting from the occupation

122. The following abbreviations of the names of newspaper are used in the tables:

H: Ha'aretz

JP: Jerusalem Post

JT: The Jerusalem Times.

(a) Palestinians killed by troops or Israeli civilians

Date	Name and age	Place of residence	Remarks and source
15 May	Fawzi Abu Bakra, 34	Khan Younis	Killed by an Israeli settler in unclear circumstances (JT, 23 May)
20 May	Khaled Abu Dayeh, 37	Beit Safafa	Palestinian detainee. Arrested several weeks earlier after trying to steal a weapon from a soldier in the Old City of Jerusalem. Transferred to a psychiatric hospital after he attempted suicide. Brought to hospital for treatment for a serious throat infection. According to the hospital director, he ran amok in the emergency ward and died from haemorrhages caused by police beatings. The autopsy found signs of bruises and haemorrhaging in the victim's limbs and chest. In addition, three broken ribs and a fracture in the left hand were detected. There were also marked signs of binding on the victim's hands and legs. According to the pathologist who carried out the autopsy, the injuries had caused great pain, which resulted in a neurological shock and death. The incident was reportedly being investigated by the Police Investigation Department of the Ministry of Justice. (H, 22 and 23 May; JP, 23 and 25 May)
12 June	Abdel Karam Karwari or Karnawi, 65	Bureij refugee camp (GS)	Suffered a heart attack, which may have been caused by tear-gas fired by IDF troops during clashes with Palestinians near the Morag settlement in the Gaza Strip. Died in hospital in Khan Younis. (H, JP, 13 June)
2 July	Mahar Abdel Munem Etzer or Assar, 16 or 17	Deir el-Balah (Gaza Strip)	Shot in the chest by IDF troops during violent clashes with Palestinians near the Morag settlement in the Gaza Strip. Palestinian sources stated that he was shot by settlers. (H, JP, 3 July; also referred to in JT, 4 July)

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Date	Name and age	Place of residence	Remarks and source
3 July	Ibrahim Ta'ufic Abu Rutma or Ratima, 14	Rafah (Gaza Strip)	Injured by IDF gunfire during clashes in the Gaza Strip a week earlier. Died of his wound in Shifa Hospital in Gaza. (H, 4 July; also referred to in JT, 11 July)
16 July	Ashraf Nawadis or Nawadra, 16	Beit Sahur	Shot in the head during clashes between IDF soldiers and Palestinian stone-throwers on 14 July. Died of his wounds in hospital. Eyewitnesses reported that he was shot although he did not take part in the disturbances. (H, JP, 17 July)
20 or 21 July	Nibras Ghazi Abu-Sha'arah, 13	Dhahiriya refugee camp (Hebron area)	Injured in the head by an IDF rubber bullet during clashes in Hebron three weeks earlier. Hospitalized in critical condition in a Jerusalem hospital where he died of his wounds. (H, 22 July; also referred to in JT, 25 July)
29 July	Mehdi Bahjat Alawneh, 18	Zumot village	Shot dead by IDF soldiers at the entrance to his village after he stabbed and slightly injured a soldier who had ordered him to stop for inspection at the Elon Moreh junction in Samaria (West Bank). (JP, 30 July; also referred to in JT, 1 August)
3 August	Issa Jabril Mahamre or Makramrah or Misif, 50 or 57	Yatta village	Shot dead near the Karmel settlement (West Bank), allegedly by the occupant of a vehicle with Israeli licence plates. The police were reportedly investigating the incident. (H, 4 and 5 August; JP, 4 August; also referred to in JT, 8 August)
14 August	Youssef Ibrahim Jabari, 14	Hebron	Died of his wounds after being injured in the head by a rubber bullet during clashes in Hebron in July. (JP, 15 August; also referred to in JT, 22 August)

Date	Name and age	Place of residence	Remarks and source
(b) Other Palestinians killed as a result of the occupation			
8 or 9 May	Farid Bashiti, 70	Jerusalem	Palestinian land dealer. Considered to have had close relations with the Israel Lands Administration. Found dead from a blow in the back of the head three days after the Palestinian Authority Minister of Justice publicly stated that the death penalty would be demanded in Palestinian courts for those who sold land to Jews. (JP, 11 May; also referred to in JT, 16 May)
18 May	Harbi Abu Sara, 46 or 60	Ein Yabrud (Ramallah area)	GSS collaborator and suspected land dealer accused of selling land to Jewish settlers. Found dead in Ramallah on 16 May. Was shot several times in the head. Family members blamed the Palestinian Authority for the murder, but Palestinian police denied involvement. (H, JP, 19 May; also referred to in JT, 23 and 30 May)
Exact date not reported	Mahmoud Ali Jambour, 34	Shu'fat refugee camp	Palestinian land dealer. Found dead with two shots in the head on a side road south of Ramallah. According to Israel Television, sold a house in the Abu Tor neighbourhood of Jerusalem to Elad, an organization that purchases houses belonging to Arabs in the Jerusalem area. The Israeli Internal Security Minister claimed that the murder could be traced to the Palestinian Authority. According to the Jerusalem police spokesman, the victim had been indirectly informed by the Ramallah police a week earlier that what happened to land dealers like Farid Bashiti could also happen to him. (JP, 25 May)
May	Shahe Ajamian	Jerusalem	Suspected of selling land to Jews. (JT, 16 May)

Date	Name and age	Place of residence	Remarks and source
16 June	Hakam Kamhawi, 55 or 57	Nablus	Palestinian land dealer. Arrested two weeks earlier by the Palestinian police on suspicion of selling land to Jews. Detained in Jericho prison since 10 June. According to a Palestinian security official, he committed suicide. His wife stated, however, that she had seen signs of torture on his body. (H, 16 June; JP, 17 June)
14 July	Issa Sha'uchi, 41	Bethlehem	Hamas activist. Killed when a bomb he was preparing exploded in a house in Bethlehem. (JP, 15 July; H, 16 July)
Exact date not reported	Name not reported, 33 or 36	Not reported	Palestinian with an Israeli identity card. Thought to have been a collaborator. His body was found lying by the roadside near the Ein Bidan village on 19 July. (H, JP, 20 July 1997)
30 July	Unknown	Unknown	Hamas suicide bomber. Blew himself up in Jerusalem's Mahaneh Yehuda market. (H, JP, 31 July)
30 July	Unknown	Unknown	Hamas suicide bomber. Blew himself up in Jerusalem's Mahaneh Yehuda market. (H, JP, 31 July)

(c) Other incidents

Oral evidence

123. The field research coordinator of the Gaza Centre for Rights and Law spoke to the Special Committee about the incidents that followed the opening of the so-called Western Wall Tunnel in September 1996:

> "On 25 September 1996, demonstrations broke out in Jerusalem, in the Gaza Strip and in the West Bank and were pursued on 26, 27 and 28 September. They resulted in the killing of 65 Palestinians and approximately 1,300 Palestinians were wounded. Israeli soldiers had opened fire in an arbitrary and intensive manner on the upper part of the body of the people." (Mr. Ibrahim Khamis Shehada, witness no. 8, A/AC.145/RT.716)

124. An ambulance driver described to the Special Committee how he was wounded while on duty during clashes that took place between Palestinians and IDF troops after the opening of the Western Wall Tunnel:

> "On that day, I was discharging my responsibility and performing my duty as an ambulance driver and I was heading to a place called Erez in the north of Gaza, from where we were transporting wounded people to the Palestinian hospitals. While I was doing that, the Israeli forces were still firing at Palestinians. I was driving towards a place where bullets were being shot, in order to remove some people who had been wounded. While I was there transporting wounded people, I myself received a bullet in my back, on the side of my back.
>
> "I was inside the car and the bullet came through the vehicle and hit me. I collapsed and I was transported by people who were there in the area and taken to hospital. At Al Shifa Hospital, the bullet was removed. Two or three days after being admitted to the hospital, I started bleeding and there was an internal haemorrhage where the bullet had passed." (Anonymous witness no. 1, A/AC.145/RT.715)

125. The witness informed the Special Committee that his was not the only case of injury in the medical profession:

> "I was hurt just as I had stopped the car and was about to leave the vehicle in order to be able to go and help Palestinians. But the Israelis were firing at all those who were helping the wounded Palestinians. I was not the only ambulance driver who was hurt. Others were and one of the paramedics, called Bassem Al-Naim, was killed. He was a staff nurse and was killed on that same day.
>
> "Everyone who was trying to help the wounded was fired at. It was deliberate, because I was on the side of the road waiting in the vehicle and people were being shot at. When it seemed that there was a lull in the firing, when it seemed that they had stopped firing, I moved with my ambulance in order to be able to help some of the people wounded. It was then that they started firing again, directly at my ambulance." (Ibid.)

126. The witness also stated that there could be no confusion regarding his profession and the type of vehicle used:

> "No, it could not be confused, because it had the red light on the top. Also, 'ambulance' is written on it. And of course, it is not like a taxi. It is a higher vehicle.
>
> "I believe that the ambulance was being deliberately and directly fired at. The reason why I say that it was deliberate is because I had been there at the scene of the clashes, parked at the side of the road, and nobody had fired at me. It was when I moved forward in order to help the wounded people, in order to take them to hospital, it was then that I was fired at. I had been there for some time before and nobody had fired at me. Another proof I have is that the partner who was killed during the incident was also wearing paramedic or staff nurse gear, clearly showing that he was medical personnel. He was shot as he had bent down to help somebody and put him on a stretcher to bring him to the ambulance." (Ibid.)

127. Another person from Gaza witnessed the killing of a doctor who had emerged from an ambulance during the clashes:

> "Another ambulance was to come to fetch the driver, who seemed to be in a dangerous condition. I saw the ambulance arriving and was about to cross between the two sides to get to the driver. The doctor and the driver of the ambulance were leaving the car. At the very same moment, we saw the doctor fall to the ground. He had got hit in the heart area and he died. The driver of the ambulance was hit as well.
>
> "The Israelis were shooting very heavily, also using helicopters to shoot, with high-calibre bullets. The Israelis also used dum dum bullets and that is prohibited." (Anonymous witness no. 4, A/AC.145/RT.715)

128. The Special Committee was informed about the use of live ammunition by the Israeli forces during the violent incidents at the Al-Aqsa Mosque:

> "The Israelis forces had fired at the congregation performing prayers, using live ammunition, but they denied the fact that they had used live ammunition. Israel said that they had only used rubber bullets. But it is not true. The report includes photographs of the live ammunition which was extracted from the bodies of the persons who were wounded or the persons who died because of the shooting. The Israeli authorities replied to our report, saying that there were large numbers of security forces present and that because many were not in uniform, it was difficult to identify the policemen who had used live ammunition. They also used other pretexts, but anyway, the file is closed and they stopped the investigations." (Mr. Najib Abu Rokaya, witness no. 29, A/AC.145/RT.722)

129. The witness described the occasional behaviour of IDF troops during clashes with the civilian population of the occupied territories:

> "The occupation authorities were known to throw tear-gas bombs inside houses and fire with rubber bullets. Many children have been hurt and many youths have been hurt." (Ibid.)

130. A witness from Gaza described the nature of injuries sustained by the Palestinian population during the clashes:

> "I went to the hospital to see whether any of my relatives were among the casualties. So I saw many injured people, all with live ammunition and not rubber bullets." (Anonymous witness no. 2, A/AC.145/RT.715)

131. Testimonies relating to the incidents linked with the popular uprising may be found in documents A/AC.145/RT.715 (anonymous witnesses), A/AC.145/RT.716 (Mr. Ibrahim Khamis Shehada) and A/AC.145/RT.722 (Mr. Najib Abu Rokaya).

Written information

132. On 2 May 1997, several dozen Palestinian youths threw stones at IDF troops in the centre of Hebron. Soldiers responded with tear-gas and rubber bullets, slightly injuring two youths. A border policeman was slightly injured in the

face during the clashes. Two incidents involving the throwing of stones at Israeli vehicles occurred in Ramallah. No injuries were reported. (Ha'aretz, Jerusalem Post, 4 May)

133. On 2 May, four Palestinian youths were wounded by rubber bullets after clashes broke out along the line separating the Palestinian Authority-controlled part of Hebron from the Israeli-controlled part where some 20,000 Palestinians live. (The Jerusalem Times, 9 May)

134. On 4 May, a Palestinian from the Jenin area was arrested in a Haifa marketplace with a bag containing a pipe, a timing device and matches, which can be used to make a bomb. The man was expected to be brought before Haifa Magistrate's Court for a remand hearing. (Jerusalem Post, 6 May)

135. On 6 May, shots were fired at an IDF patrol west of Khan Younis in the Gaza Strip. Soldiers returned fire and launched searches in the area. There were no details of injuries. In Nablus, Palestinian police handed over to the IDF two rocket-propelled grenades that had been discovered in the city. They were later blown up by IDF sappers. (Jerusalem Post, 7 May)

136. On 7 May, the security forces arrested a Palestinian from the Ramallah area on charges of possessing inflammatory material, including a list and pictures of suicide bombers. Military sources reported that the inflammatory material called for attacks to be committed against IDF soldiers, Israeli citizens and settlers. The Palestinian was taken for a GSS interrogation. According to military sources, warnings continued to be issued of attacks by the Islamic Jihad and the PFLP. (Ha'aretz, 8 May)

137. On 8 May, shots were fired at a van near the Neveh Daniel settlement. Eleven teenage girls from the Maon settlement were travelling in the van at the time. No one was injured. The IDF spokesman stated that the incident was being investigated. (Jerusalem Post, 9 May)

138. On 8 May, a Palestinian land dealer was found dead with his hands tied behind his back (see list). The dealer was suspected of preparing to sell land to Jews in Beit Jala and Obeidiyeh. An Armenian bishop had been killed a few days earlier after selling to settlers a villa he owned in the A-Tur quarter of Jerusalem (see list). (The Jerusalem Times, 16 May)

139. On 9 May, an Arab land dealer from Jerusalem was found dead (see list) in Ramallah one week after Palestinian Authority Chairman Arafat had ordered his security forces to prevent land sales to Jews. The death of the land dealer also came three days after Palestinian Authority Justice Minister Freih Abu Middein publicly stated that the death penalty would be demanded in Palestinian courts for anyone who sold Palestinian land to Jews. The Mufti of Jerusalem appointed by the Palestinian Authority, Akrime Sabri, stated during a sermon in the Al-Aqsa Mosque, shortly after the body was discovered that the victim would be denied a Muslim burial. The Mufti stated that, according to Islamic law, a Muslim who sold land to a non-believer in Jerusalem was considered an infidel. (Jerusalem Post, 11 May)

140. On 11 May, an Israeli citizen was moderately injured by stones thrown at his car in the vicinity of the A-Ram junction in the Ramallah area. An incendiary bottle was thrown at an Israeli vehicle in the Nablus area without causing any harm or injuries. Two other incendiary bottles were thrown at border police forces near the Cave of the Patriarchs (Ibrahimi Mosque). No harm or injuries were reported. Two IDF soldiers were slightly injured by stones in Hebron. An Israeli citizen was injured in the head during a stone-throwing incident in Jerusalem. According to military sources, over the past days there had been an increase in the number of incidents involving the throwing of stones and incendiary bottles in the territories. Several stone-throwers were reportedly arrested and sentenced in speedy trials at military courts to prison terms of up to three months. (Ha'aretz, 13 May)

141. On 12 May, Palestinian students in Nablus marked Israel's Independence Day by burning the Israeli flag. More than 1,000 students from Al-Najah University participated in the demonstration organized by the Fatah movement. In another incident, a border policeman was slightly injured by stones thrown at him in Hebron. (Ha'aretz, 13 May)

142. On 15 May, Fawzi Abu Bakra, a 34-year-old Palestinian labourer (see list), was killed by Mordechai Ilan from the Israeli neighbourhood of Herout, near the Green Line, in unclear circumstances. Israel agreed to a Palestinian Authority request to allow a Palestinian physician to represent the family at Abu Bakra's autopsy. According to an Israeli report, Abu Bakra had been killed when he tried to steal Ilan's car. Another Israeli version says that Bakra's body was discovered in an orange grove near the settlement and that the killing was traced back to Ilan, who is well known for his extreme views. (The Jerusalem Times, 23 May)

143. On 16 May, the body of a Palestinian man from Ein Yabrud was found in Ramallah (see list) with several shots to the head. Palestinian security sources told the French news agency that the victim had been involved in selling land to Israelis. Residents of Ein Yabrud stated that the man was known as a collaborator and dealer who sold land to settlers. Israeli security sources reported that the victim was a GSS collaborator. The members of the victim's family denied that he had sold land to Jews and blamed the Palestinian Authority for the murder. However, Palestinian Police sources denied involvement. In other developments, a fire-bomb was thrown at IDF troops in Hebron. Stone-throwing incidents occurred in the vicinity of Shallalah Street near Beit Hadassah in Hebron. A Palestinian attacked a border policeman who stopped him for routine inspection at a checkpoint near Bethlehem. The Palestinian was arrested. (Ha'aretz, 19 May; Jerusalem Post, 18 and 19 May)

144. On 18 May, the body of a Palestinian land dealer was found near the Al Tireh Teacher Training Centre in Ramallah (see list). The 48-year-old dealer had been shot in the head. (The Jerusalem Times, 23 May)

145. On 22 May, rioting broke out in Bethlehem after the burial of a Palestinian detainee who had been beaten to death by police at the Sha'are Zedek hospital in Jerusalem on 20 May (see list). An IDF soldier was slightly wounded by a stone, while five Palestinians were injured by tear-gas and rubber bullets. In another development, Israeli security agents and IDF troops uncovered an arms cache and

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two bombs during searches in the village of Deir Tzamat near Hebron. The bombs were detonated by a border police sapper without causing any injuries. The cache was reportedly discovered following the arrest and interrogation of dozens of suspected Hamas activists in the Hebron and Bethlehem area. Several dozen Palestinians suspected of belonging to Hamas and the Islamic Jihad were said to have been arrested by the Israeli security forces in recent weeks. Over a dozen of those arrested were suspected of belonging to a Hamas "terror" cell operating in the Hebron area. (Ha'aretz, Jerusalem Post, 22 and 23 May)

146. On 24 May, the body of a Palestinian man from Jerusalem was found on a side-road south of Ramallah (see list). The man, who had been shot twice in the head, was suspected by the Palestinian Authority of selling land to Israelis. Internal Security Minister Avigdor Kahalani ordered the police to give the murder investigation the highest priority. The Prime Minister's spokesman was quoted on Israel Radio as stating that land dealers were being murdered with the open encouragement of senior figures in the Palestinian Authority. This, he noted, raised a question mark over the Authority's readiness to maintain peaceful relations with Israel and observe human rights. The murder of the land dealer - the second to be killed while nominally under Israeli security protection as an Israeli citizen or Jerusalem resident with an Israeli ID card - followed a warning by Palestinian Authority Justice Minister Freih Abu Middein at a press conference in Ramallah on 20 May that "an Israeli identity card would not protect land dealers from the Palestinian National Authority". (Jerusalem Post, 25 May)

147. On 28 May, stones were thrown at Israeli vehicles travelling near Ramallah. An unidentified man responded by firing shots into the air to disperse the stone-throwers. No damage or injuries were reported. (Jerusalem Post, 29 May)

148. On 30 May, it was reported that a 60-year-old Palestinian had been found murdered by a gunshot to the head in Ramallah the previous week (see list). Palestinian security sources were quoted as saying that the man had dealt in land sales to Israelis. In a separate development, confrontations occurred between IDF soldiers and Palestinian Authority policemen at Rachel's Tomb in Bethlehem when 1,500 Palestinians demonstrated to protest the killing of Khalled Abu Dayyeh, who died of torture on 21 May. (The Jerusalem Times, 6 June)

149. On 4 June, gunmen opened fire at an IDF patrol near the Gaza border. There were no injuries and the soldiers returned fire. Israeli and Palestinian forces reportedly cooperated in searches for the gunmen. In another incident, a woman was slightly wounded by stones thrown at the car she was riding in near the Ofra settlement. In Jerusalem, thousands of visitors, most of them schoolchildren, took part in marches to mark Jerusalem Day. More than 1,000 police and border police deployed throughout the City where several clashes occurred between right-wing activists and Palestinian residents. In one incident, nine Hai ve Kayam activists tried to force their way onto Temple Mount to pray there but were detained for interrogation, together with another man who tried to obstruct the police. In another incident, dozens of Temple Mount Faithful activists staged a demonstration in front of Orient House and burned the Palestinian flag, demanding that Israel close the building. In yet another incident, a dispute broke out between Jewish marchers and several Palestinian residents; police

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forces had to separate the two sides. Two marchers were slightly injured. (Jerusalem Post, 5 June)

150. On 6 June, three home-made bombs were found and safely detonated by border police near the southern border of the Gaza Strip. Two Palestinian suspects were detained and taken for interrogation by the Israeli police. (Ha'aretz; Jerusalem Post, 8 June)

151. On 11 June, clashes were reported when the IDF tried to chase Palestinian protesters from lands slated for confiscation near Rafah in the Gaza Strip. (The Jerusalem Times, 13 June)

152. On 12 June, extremely violent clashes broke out between Palestinians and IDF soldiers in two areas of Gush Katif, resulting in the death of one Palestinian (see list) and the injury of up to four others. The first incident occurred in Morag, when hundreds of Palestinians entered the settlement and tore down a fence recently erected near the settlement's hothouses. They then proceeded to plant olive trees and put up Palestinian flags, claiming that the fence had been erected on their land. The IDF, which denied the charges, surrounded the Palestinians, preventing them from advancing further into the settlement. Rioting began and IDF troops fired rubber bullets and tear-gas to disperse the Palestinians. A few hours later, calm was restored to the area but a large IDF presence remained. The second incident occurred when hundreds of Palestinians blocked the Gush Katif junction and stoned Israeli vehicles shortly before a ceremony at the junction to unveil a memorial to Israeli soldiers killed by a Palestinian sniper in September during the clashes that had broken out following the opening of the Western Wall Tunnel exit. (Ha'aretz, Jerusalem Post, 13 June)

153. On 13 June, an Israeli woman was shot and slightly wounded by "terrorists" as she drove out of the Har Adar settlement north-west of Jerusalem. Six Palestinians from the nearby village of Bidu were arrested in connection with the incident. Twelve additional suspects from the villages of Beit Tsurif and Katana were arrested during the following days. (Ha'aretz, 15 June; Jerusalem Post, 15 and 17 June)

154. On 14 June, dozens of Palestinians were injured during clashes with IDF troops in Hebron. A border policeman was slightly injured by a stone. Aliya Hospital reported that 49 people had been injured by rubber bullets, six of them moderately and the rest slightly. The IDF rejected the report, claiming that only 10 people were slightly injured. The clashes broke out when several dozen youths started to throw stones and incendiary bottles at IDF soldiers stationed near Beit Hadassah. The soldiers responded by firing rubber bullets and tear-gas at the youths who were soon joined by other residents. Residents indicated that the reason for the demonstrations was the decision of the United States Congress to recognize united Jerusalem as the capital of Israel and to allocate $100 million for the transfer of the United States Embassy from Tel Aviv to Jerusalem. (Ha'aretz, 15 June)

155. On 14 June, clashes with the IDF were reported in Hebron when Hebronites took to the streets to protest against the decision of the United States

Congress to consider Jerusalem the capital of Israel. (The Jerusalem Times, 20 June)

156. On 15 June, rioting and clashes between Palestinians and IDF troops and border police took place in Hebron for the second consecutive day. Palestinian sources reported that up to 24 Palestinians had been injured by IDF gunfire. According to the IDF, 10 Palestinians were injured, in addition to three soldiers who were slightly injured. The confrontations began when dozens of Palestinians rioted in the side-roads around the casbah, throwing stones and bottles at soldiers who responded with rubber bullets and tear-gas. Nineteen incendiary bottles were reportedly thrown at IDF patrols and settlers' houses during the clashes. Hundreds of incidents involving the throwing of stones and incendiary bottles as well as exchange of fire had reportedly occurred in Hebron since the division of the town into two areas (H1 and H2). A senior IDF officer in the Central Command was quoted as stating that the situation in the city was explosive. (Ha'aretz, Jerusalem Post, 16 June)

157. On 16 June, clashes between IDF troops and Palestinians continued in Hebron for the third consecutive day. Palestinian sources reported that 40 people had been wounded by IDF rubber bullets, most of them slightly and some moderately. According to the IDF, 15 Palestinians and a border policeman had been wounded by the clashes, which continued throughout the day. According to the IDF spokesman, stones, fire-bombs and a home-made pipe bomb were thrown at army troops and border policemen during the clashes. In Gush Katif in the Gaza Strip, Palestinians broke into a settler farm opposite the Netzer Hazani settlement and tore down the fence surrounding it. According to the Gush Katif spokesman, the Palestinians damaged hothouses and uprooted vegetables. IDF troops who arrived on the scene fired rubber bullets and tear-gas to disperse the rioters. Palestinians claimed that one settler had shot and moderately injured a 25-year-old Palestinian in the leg. In another incident, shots were fired at an Israeli driver on the Halhoul bypass road. There was no information about injuries. A Palestinian land dealer suspected of selling land to Jews was pronounced dead in a hospital in Ramallah (see list). According to a Palestinian source, the dealer had committed suicide by swallowing medication after his arrest by one of the Palestinian security services and after being placed in detention at Jericho prison. The dealer's wife stated, however, that her husband would never have committed suicide and that his body showed signs of torture. (Ha'aretz, Jerusalem Post, 17 June)

158. On 17 June, fierce clashes between IDF troops and Palestinians continued in Hebron for the fourth consecutive day. Palestinian sources reported that up to 30 Palestinians were injured. Two 14-year-old boys, a 12-year-old boy and a 75-year-old man were injured seriously. The IDF spokesman reported that a soldier and a border policeman were slightly injured. The Deputy Director of the Aliya Hospital in Hebron reported that a relatively large number of casualties had arrived at the hospital with injuries to the head and upper parts of the body, indicating a deliberate intent on the part of the soldiers. One 14-year-old boy, who had been critically wounded in the head and the left part of his body was operated on, remained paralysed. The 75-year-old man, injured in the forehead, was unconscious and his life was said to be in danger. In another incident, two women were injured by stones thrown at an Egged company bus near the Shu'fat refugee camp. (Ha'aretz, Jerusalem Post, 18 June)

159. On 17 June, the confrontations between the IDF and protesters in Hebron were aggravated by the random shooting of rubber bullets by Israeli soldiers. A 65-year-old man and a 13-year-old boy were injured in the head. A third person, a seven-year-old girl, was hit in the abdomen by rubber bullets while playing in front of her house. The girl sustained multiple injuries and needed surgery. In a separate development, confrontations were reported near Rafah after settlers raided tents that Palestinian landowners had set up in order to protest against Israel's plans to confiscate property in the area. (The Jerusalem Times, 20 June)

160. On 18 June, clashes between IDF troops and Palestinians continued in Hebron for the fifth consecutive day. Four Palestinian youths were slightly injured by rubber bullets. A border policeman was slightly injured by a stone. (Ha'aretz, 19 June)

161. On 19 June, one border policeman was slightly injured and three Palestinians were wounded during the sixth day of rioting in Hebron. The IDF stated that its troops had dispersed the rioters with tear-gas and rubber bullets. As was the case throughout the week, the rioting took place in Shallalah Street and in the surrounding side-roads that divide H1, the Palestinian-controlled area of Hebron, and H2, the area under Israeli control. (Jerusalem Post, 20 June)

162. On 20 and 21 June, 90 Palestinians were injured during violent clashes between Palestinian youths and IDF and border police troops in Hebron and Beit Fajar. Four of the casualties were injured in the head by rubber bullets and were listed as being in serious condition. The rest were slightly to moderately injured. A border policeman was slightly injured by a pipe bomb thrown at him in Hebron. Another border policeman and a soldier were injured by stones. The violence began when hundreds of Palestinians threw more than 100 incendiary bottles, some 10 bottles containing acid and stones at IDF troops stationed in Hebron. The troops responded with rubber bullets, also injuring passers-by and residents inside their homes. The clashes also spread to Beit Fajar in the Bethlehem area, where Palestinians threw incendiary bottles at Israeli cars, set up barricades on roads and set tyres on fire. IDF troops used tear-gas to disperse the youths. In the Nablus area, hundreds of marching Palestinians were greeted by two IDF tanks but no clashes took place. Nineteen stone-throwing incidents were reported on roads located in the Hebron, Ramallah and Nablus areas. There were no injuries. The IDF dispatched large numbers of troops to Hebron, stepped up patrols along roads and tightened security around settlements in the territories. (Ha'aretz, 22 June)

163. On 20 June, clashes between the citizens of Hebron and the IDF continued for the sixth consecutive day. According to statistics issued by the Aliya Hospital, at least 150 Hebronites had been injured by rubber bullets during the week. (The Jerusalem Times, 20 June)

164. On 22 June, a 14-year-old boy was seriously wounded after being shot in the head by an Israeli soldier during demonstrations staged by landowners near Rafah to protest against a plan to annex land to the Morag settlement.
Mohammed Ibrahim Sanjar was shot when he approached a barbed wire fence that Israeli troops had set up in order to block the road to Khan Younis. The boy,

who was deaf and dumb, was reported to be in critical condition. Another Palestinian was shot in the leg by a settler during the same demonstration. (The Jerusalem Times, 27 June)

165. On 26 June, a 17-year-old Palestinian youth from the territories who was preparing to carry out a suicide bombing was detained by the Palestinian Authority. The youth, who had gone through all the preparations for committing suicide and was in possession of a bomb, intended to blow himself up near one of the checkpoints leading to the Temple Mount or wherever he was stopped by the Israeli security forces. He was detained after the GSS had passed on information to the Palestinian Authority. Meanwhile, Israeli security forces were said to be continuing to arrest suspected Islamic fundamentalists in the Nablus and the Bethlehem areas. During a raid in the village of Kafr Salim near Nablus, the IDF uncovered an arsenal of weapons, including a hand-grenade, ammunition, magazines and dozens of bullets. More than 470 Palestinians suspected of "terrorist" activities were said to have been detained by the IDF and GSS over the year. The majority of those arrested were reportedly linked to Hamas and Islamic Jihad. (Jerusalem Post, 27 June)

166. On 27 June, violent clashes broke out once again between IDF troops and Palestinians in Hebron. The clashes began after posters depicting the Prophet Mohammed as a pig writing the Koran were found pasted on walls outside Palestinian stores in the town. Scores of Palestinians threw stones, incendiary bottles and pipe bombs at IDF troops and border policemen who responded with tear-gas and rubber bullets. (Ha'aretz, Jerusalem Post, 29 June)

167. On 27 June, some 100 people were reportedly injured after fierce clashes broke out in Hebron in the wake of the distribution of an offensive poster by Jewish settlers. The poster, depicting the Prophet Mohammed as a pig writing the Koran, was distributed by the settlers in the main residential areas in the Israeli-occupied zone of Hebron and pasted on doors in the marketplace. (The Jerusalem Times, 4 July)

168. On 28 June, rioting continued in the casbah area of Hebron, with Palestinians throwing fire-bombs and stones at IDF troops and border policemen who responded with rubber bullets to disperse them. Palestinian sources claimed that nine people were wounded during the two days of riots, which started when posters depicting the Prophet Mohammed as a pig were found pasted on walls outside Palestinian stores in the town. The police reported that a 25-year-old woman from Jerusalem detained for stoning Palestinian stores and vehicles in Hebron was suspected of pasting the posters. In another incident in Gush Katif, settlers reported that Palestinians had once again torn down parts of a fence surrounding the hothouses in the Morag settlement. In East Jerusalem, a protest march by Palestinians demanding the release of Palestinian detainees held in Israel ended in clashes with border police and police forces. During the confrontation, Palestinian youths threw stones and empty bottles at the policemen. No damage or injuries were reported. (Ha'aretz, Jerusalem Post, 29 June)

169. On 29 June, dozens of angry Palestinian merchants held a sit-in strike outside the Damascus Gate in Jerusalem to protest against exorbitant municipal taxes in East Jerusalem. (The Jerusalem Times, 4 July)

170. On 1 July, up to 30 Palestinians were injured, mostly slightly, by rubber bullets and a 17-year-old Palestinian youth was critically injured in the stomach during violent clashes between hundreds of Palestinian demonstrators and IDF and border police troops in Hebron. Two Israeli soldiers were also wounded, one seriously and the other slightly to moderately, by a home-made pipe bomb in the casbah area. The area of the Old City was declared a closed military zone. According to the Palestinians, the rioting was a direct response to the leaflets pasted on Palestinian storefronts that depicted the Prophet Mohammed as a pig. In another incident, an improvised explosive device was thrown at IDF troops in the Ramallah area without causing any harm or injuries. (Ha'aretz, Jerusalem Post, 2 July; also referred to in The Jerusalem Times, 4 July)

171. On 2 July, a Palestinian youth was killed by IDF gunfire (see list) and up to 38 Palestinians were injured during violent clashes with IDF troops in Hebron and in the Gaza Strip. Palestinian medical sources reported that seven of the casualties were slightly to moderately injured by live bullets while the rest were slightly injured by rubber bullets. The first incident in the Gush Katif area near Deir el-Balah in the vicinity of Khan Younis in the Gaza Strip occurred when a group of some 30 Palestinians stoned soldiers guarding workers ploughing disputed land. In response, additional troops were sent in and fired rubber bullets and shock grenades at the rioters, killing the Palestinian youth; according to Palestinian sources, the youth was killed by settlers. More than 1,000 people attended the funeral of the victim in Nusseirat, where he was declared a martyr. In Hebron, a border policeman was slightly injured by one of over 100 fire-bombs thrown at IDF troops and police. Additional troops were dispatched to the town and IDF snipers were stationed on rooftops from which they opened fire at Palestinians who threw fire-bombs, stones and bottles of acid. In a separate development, residents of Hebron went on strike in protest at the distribution of an offensive poster by Israeli settlers depicting the Prophet Mohammed as a pig writing the Koran. More than 100 Molotov cocktails were thrown at Israeli soldiers during the day. In another development in Hebron, merchants answered a call by the town's nationalistic and Islamic forces and observed a commercial strike in protest against the distribution of leaflets depicting the Prophet Mohammed as a pig. (Ha'aretz, Jerusalem Post, 3 July; also referred to in The Jerusalem Times, 4 July)

172. On 3 July, the 14- or 15-year-old deaf and dumb Palestinian youth who had been injured near the Morag settlement by IDF gunfire during riots in Gaza on 22 June, a week earlier, died of his wounds in a hospital in Gaza (see list). A report by the Palestinian Centre for Human Rights (PCHR) indicated that it was significant that no clashes were in progress at the time of the shooting and the situation was calm. The boy received a direct hit in the head when he failed to stop as ordered by the Israeli soldier. In another development, masked undercover troops were dispatched to Hebron, where they arrested several stone-throwers. According to Palestinian sources, five Palestinians were hurt during the arrests; one of them was a youth hit in the face by a rubber bullet. In another incident, a Palestinian lost consciousness after being arrested and dragged by a uniformed soldier for several hundred metres to a military ambulance. In yet another incident, a soldier grabbed a detainee by the hair and forcefully pulled him forward. (Ha'aretz, Jerusalem Post, 4 July; also referred to in The Jerusalem Times, 11 July)

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173. On 4 July, the Officer Commanding (OC) of IDF troops in the West Bank, Maj.-Gen. Gabi Ophir, declared that Palestinians who threw explosive devices did so with the intent to kill and should know that they could expect to be killed themselves and that orders to that effect had been given to soldiers. In Nablus, thousands of Palestinians staged demonstrations in protest against the distribution in Hebron of leaflets depicting the Prophet Mohammed as a pig. Following the demonstrations, in which the Israeli and American flags were burnt, thousands of demonstrators marched towards Joseph's Tomb and called for revenge, but were pushed back by the Palestinian Police. In another incident north of Jerusalem, an incendiary bottle was thrown in the vicinity of the Central Command headquarters without causing any damage or injury. In the Gaza Strip, IDF armoured personnel carriers and troops were mobilized to disperse Palestinian demonstrators who blocked the entrance to the Morag settlement. There was no information about any casualties. Several stone-throwing incidents were also reported in the area. (Ha'aretz, 6 July)

174. On 5 July, some 40 Palestinians were injured during clashes with IDF troops in Hebron. One Palestinian was seriously injured in the head by a rubber bullet. Three Palestinians were moderately injured by rubber bullets and the rest were slightly injured (also by rubber bullets) and were sent home after medical treatment. In another development, border policemen and soldiers were stationed on rooftops of houses along the line separating the Israeli-controlled section of Hebron from the one under Palestinian control. In a related development, the IDF suspended joint Israeli-Palestinian patrols in the town. (Ha'aretz, 6 July)

175. On 6 July, several fire-bombs were thrown at IDF troops and border policemen in Hebron. There were no injuries or damage. In another development, the IDF discovered and blew up two tunnels reportedly serving to smuggle weapons near the Rafah border crossing. (Jerusalem Post, 7 July)

176. On 9 July, two IDF soldiers were slightly wounded when a powerful roadside bomb exploded near a border police jeep escorting a busload of yeshiva students outside Nablus. Five incidents involving the throwing of incendiary bottles took place in Hebron, without causing any injuries. In another incident in Hebron, shots were fired at Beit Hadassah, with two bullets penetrating the building. No injuries were reported. Several fire-bombs were thrown on the tunnel road between Jerusalem and Gush Etzion. (Ha'aretz, Jerusalem Post, 10 and 11 July)

177. On 9 July, tensions rose to a fever pitch after settlers attacked the Yakubiyeh Girls School and tore up copies of the Holy Koran. Settlers also smashed the furniture and poured acid on the children's desks. They plastered posters that read: "Hebron is our city; the Arabs, our dogs." (The Jerusalem Times, 11 July)

178. On 10 July, an IDF undercover unit arrested four Palestinians on charges of throwing fire-bombs and stones at soldiers stationed at Rachel's Tomb in Bethlehem. The IDF also arrested three Palestinians suspected of throwing a number of fire-bombs on the tunnel road between Jerusalem and Gush Etzion. A pipe bomb was thrown at the IDF position in Hebron's casbah, without causing any damage or injury. An improvised explosive device was discovered in a schoolyard

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in Hebron and was safely detonated. Two other improvised explosive devices were later thrown at IDF troops stationed near the school, without causing any injury. Several incidents involving the throwing of stones at IDF soldiers were also reported in Hebron. No one was hurt. (Ha'aretz, 11 July; Jerusalem Post, 13 July)

179. On 11 July, violent clashes broke out between IDF troops and Palestinians in Hebron. Palestinian protesters, mostly youths, threw fire-bombs, stones and bottles of acid at IDF troops and border policemen, who responded with rubber bullets and gas pellets to disperse them. Violent clashes with IDF troops also took place in the vicinity of Rachel's Tomb in Bethlehem. Palestinian sources reported that 20 people were injured in both incidents. Two border policemen were slightly injured in Hebron. (Ha'aretz, Jerusalem Post, 13 July)

180. On 12 July, clashes between Palestinian protesters and IDF troops continued in Hebron, with troops firing rubber bullets and gas pellets to disperse the rioters. Palestinian sources reported that 10 people were injured during the confrontations. In Nablus, some 1,000 Palestinians, led by Ahmad Korei, Speaker of the Palestinian Legislative Council, and other leading Palestinian Authority and PLO officials, staged demonstrations against the Israeli Government's policy of settlement in the West Bank and Gaza Strip. The protesters burned the Israeli flag and Ahmad Korei reportedly stepped over its charred remains. Incidents involving the throwing of stones at IDF troops were also reported in Nablus. Two Palestinian youths were arrested in connection with the incidents. Two incendiary bottles were thrown at a military base near the Beit El settlement in the Ramallah area. There was no damage or injury. (Ha'aretz, Jerusalem Post, 13 July)

181. On 13 July, violent clashes between IDF troops and Palestinian residents continued in Hebron. Throughout the day, Palestinian rioters threw scores of fire-bombs and stones at IDF troops deployed in the buffer zone, which divides the Palestinian- and Israeli-controlled areas. Up to 16 Palestinians, including 5 journalists, were injured by IDF gunfire, with Israeli security forces warning that the situation in the town was on the verge of explosion. Clashes also broke out at Rachel's Tomb near Bethlehem, where scores of Palestinian youths stoned IDF troops and burned tyres. There was no information about casualties. In another incident, three fire-bombs were thrown at an Israeli car on the Bir Zeit-Ramallah road. The fire-bombs exploded but caused no injuries or damage. Another fire-bomb was thrown at IDF troops who were on patrol near Bir Zeit. The troops responded by opening fire at the assailants, reportedly injuring one of them. In another incident, an IDF patrol arrested four infiltrators from Gaza and handed them over to Israeli police for questioning. (Ha'aretz, Jerusalem Post, 14 July)

182. On 14 July, a Palestinian man was killed (see list) by an explosion of a bomb he was allegedly preparing in Bethlehem. The explosion occurred in a house located in the A-Saf neighbourhood, which is known to be a stronghold of Hamas and Islamic Jihad and many of whose residents comprised "a large group of extremists" expelled to Lebanon in 1992. In another incident in the village of Beit Sahur, Israeli border policemen opened fire at Palestinian stone-throwers, injuring a 16-year-old youth in the head. Several incidents involving shooting at IDF troops occurred at the northern entrance to Ramallah. No damage or

injuries were reported. Five stone-throwing incidents occurred in Nablus without causing any injury. Other incidents involving the throwing of stones and incendiary bottles at Israeli targets took place in Hebron, with Defence Minister Yitzhak Mordechai and other senior Ministry of Defence officials threatening to implement an "iron fist" policy to the point of mounting massive military operations inside the town. In another development in the territories, IDF troops and the GSS detained three Palestinian policemen who were allegedly on their way to carry out an attack in the Har Bracha settlement near Nablus. There was an exchange of fire between the two sides during the arrest and one Palestinian policeman was slightly injured. The policemen were reportedly found to be in possession of weapons and grenades. The IDF described the incident as particularly serious, since it involved armed Palestinian policemen who intended to carry out an attack against Jews and indicated that trust between the IDF and the Palestinians had once again been undermined. (Ha'aretz, 16 July; Jerusalem Post, 15 and 17 July)

183. On 16 July, more than 2,000 mourners attended the funeral in Beit Sahur of the 16-year-old Palestinian youth (see list) who died of wounds he sustained in the head from IDF gunshots on 14 July. Following the funeral, demonstrators stoned a border police patrol, slightly injuring a border policeman. IDF troops responded with tear-gas and arrested two Palestinians. In another incident in the Beit Sahur area, three fire-bombs were thrown at IDF troops without causing injury or damage. (Ha'aretz, Jerusalem Post, 17 July)

184. On 17 July, two fire-bombs were thrown at border police troops in Hebron. No injuries were reported. An Israeli civilian was slightly injured when stones were thrown at his car near Deir Kadis village (Ramallah area). IDF troops combed the area in search of the perpetrators. In another development, the GSS was reported to have arrested 16 members of a Hamas "terrorist" cell suspected of carrying out a number of attacks along the Trans-Samaria highway and planning additional attacks against soldiers and civilians. Following interrogation of those arrested, Israeli security agents reportedly found a large amount of home-made explosive. In a related development, the security forces reportedly arrested 14 "terrorists" in the Hebron area during the previous week. Eleven Palestinian youths suspected of throwing stones and of incitement to rioting had also been arrested in Hebron in recent days and were expected to be sentenced shortly, in speedy trials at military courts. Six Jewish youths aged 14 to 18 suspected of throwing stones at Palestinian vehicles had also been arrested in Hebron and a charge sheet was expected to be filed against them. (Ha'aretz, Jerusalem Post, 18 July)

185. On 18 July, an explosive device was thrown at IDF troops near Beit Hadassah in Hebron. No one was injured and no damage was reported. An Israeli civilian was slightly injured when stones were thrown at his car near Hebron. In another incident, fire-bombs were thrown at IDF troops near Beit Romano and the Zehuhit junction, also without causing any injury. In yet another incident in the village of Abu Dis near Bethlehem, scores of Palestinians threw stones and fire-bombs at border police troops who fired shots in the air to disperse them. (Ha'aretz, Jerusalem Post, 20 July)

186. On 19 July, the body of a Palestinian man was discovered by an IDF patrol near Nablus (see list). According to the Judea and Samaria (West Bank) police

spokesman, the man had an Israeli identity card and had been shot in the head. He stated that the body had been sent for autopsy to the Abu Kabir Institute for Forensic Medicine. Israel Radio reported that the Palestinian may have been killed because he was a collaborator. In Hebron, some 10,000 Palestinians took part in a protest march organized by Hamas and the Islamic Jihad and waved banners calling for suicide attacks to be carried out against Israel. In Nablus, youths burned the Israeli flag and called for the destruction of Israel. In other incidents, an Israeli Arab was arrested after attacking a border policeman at a roadblock near Tulkarm. Several fire-bombs were thrown at soldiers near the Tarik junction in Hebron. The IDF spokesman reported that one of the fire-bombs had ignited and that IDF troops searching the area had arrested a Palestinian in connection with the incident. The spokesman also stated that since the beginning of June, some 850 fire-bombs, 16 explosive devices and 5 shooting incidents had occurred in the Hebron area in addition to 445 fire-bombs, 15 explosive devices and 9 shooting incidents reported throughout Judea and Samaria (West Bank). (Ha'aretz, Jerusalem Post, 20 July)

187. On 20 July, the Palestinian police discovered a large bomb factory in the village of Beit Sahur near Bethlehem. The factory contained more than 30 kilogrammes of TNT, hydrogen, chemical substances, timers and watches. Some of the bombs were reportedly packed inside plastic boxes and already attached to timers and detonators. The Palestinian police also found IDF uniforms, wigs, beards, make-up and other disguises, as well as cellular phones, skullcaps and prayer shawls. (Jerusalem Post, 22 July)

188. On 20 or 21 July, the 13-year-old Palestinian boy who had been injured three weeks earlier by IDF gunfire in the Dhahireyeh area near Hebron died of his wounds in a hospital in Jerusalem (see list). (Ha'aretz, 22 July; also referred to in The Jerusalem Times, 25 July)

189. On 22 July, a Palestinian woman from Bureij refugee camp stabbed and slightly injured a border policeman at the Netzarim junction in the Gaza Strip. The woman, who was reportedly mentally ill and not responsible for her actions, stated that she had attacked the soldier in protest at the distribution of the leaflets depicting the Prophet Mohammed as a pig. Several incidents involving the throwing of stones at the IDF and at civilian vehicles were reported in the territories. The Hebron area was relatively calm, with the exception of four incidents in which stones and incendiary bottles were thrown at IDF troops and settlers. (Ha'aretz, Jerusalem Post, 23 July)

190. On 23 July, an IDF officer was injured in the head by stones thrown at him in Hebron. A fire-bomb was thrown at a border police jeep in the Halhoul area. No one was injured in the attack and troops launched searches in the area. There were conflicting reports about an incident involving shooting at Beit Hadassah in Hebron. In another incident, a border policeman was slightly wounded near the Ariel settlement when a group of Palestinians stoned his patrol. (Ha'aretz, Jerusalem Post, 24 July)

191. On 25 July, several incidents occurred in the territories. An Israeli woman was slightly injured by stones thrown at a vehicle she was travelling in near the Beit Arieh settlement (Ramallah area). Stones were also thrown at IDF patrols in the Hebron area, without causing any harm or injuries. In another

development, the IDF stepped up its patrols along roads for fear of attacks by the Hamas and Islamic Jihad. (Ha'aretz, 27 July)

192. On 27 July, three improvised explosive devices were thrown at an IDF position and a border police patrol in Hebron, without causing any damage or injury. Fifteen Palestinians were detained for interrogation in connection with the attacks. During other incidents in the Hebron area, stones were thrown at IDF patrols. A border policeman was slightly injured by a stone thrown at him near the Cave of the Patriarchs (Ibrahimi Mosque). Other stone-throwing incidents took place in Ramallah. There was no information about any injuries or damage. (Ha'aretz, 28 July)

193. On 29 July, IDF soldiers shot and killed on the spot an 18-year-old Palestinian labourer at the entrance to his village (see list) who stabbed and slightly injured their comrade at the Elon Moreh junction in Samaria (northern West Bank). The incident reportedly occurred when an IDF soldier ordered the Palestinian to stop for inspection. The Palestinian sprang at the soldier, stabbing him in the shoulder. Two other soldiers who were present at the site immediately attacked the Palestinian: one kicked him to the side and the other shot at him. Central Command officers praised the soldiers' actions. In another incident, a fire-bomb was thrown at a border police patrol in Dura el Kara near Ramallah. The IDF spokesman stated that no one had been injured and that security forces were searching the area. (Jerusalem Post, 30 July; also referred to in The Jerusalem Times, 1 August)

194. On 30 July, two suicide bombers blew themselves up simultaneously (see list) in Jerusalem's Mahaneh Yehuda open-air market in the centre of West Jerusalem, killing 13 people and wounding up to 172 others, 7 of them critically and 11 seriously. Several buildings were damaged in the explosion. According to Palestinian sources, the military wing of Hamas, Izz al-Din al Qassam, claimed responsibility for both bombings. A wave of arrests was launched throughout the West Bank and Gaza Strip. In a leaflet posted near the building of the International Committee of the Red Cross (ICRC) in Ramallah, the Hamas movement took responsibility for the double suicide bombing and demanded the release of its spiritual leader Sheik Ahmed Yassin, Hizbullah leader Sheik Abdul Karim Obeid and other security prisoners and administrative detainees. The leaflet stated that the bombing had been carried out in response to the leaflets distributed in Hebron that depicted the Prophet Mohammed as a pig. The leaflet did not identify the bombers nor give any details about them. While the prevailing assessment was that the bombers were probably residents of the territories, officials did not rule out the possibility that they had come from abroad (Palestinian sources reported that 70 Palestinians who worked in the market were arrested by the Israeli police following the explosions but were released shortly afterwards). (Ha'aretz, Jerusalem Post, 31 July; also referred to in The Jerusalem Times, 1 August)

195. On 31 July, the IDF reinforced its troops throughout the West Bank and police stepped up security in Jerusalem, as officials warned that more "terrorist" attacks were possible. Security forces also carried out arrests in area B (under Palestinian civil rule but Israeli security control) and area C (under total Israeli control). In another development, the spokesman for the Coordinator of the Government's Activities in the Territories confirmed that an

arrest warrant had been issued against the Palestinian Police Chief, Brig.-Gen. Ghazi Jabali, reportedly for his direct involvement in several attacks. (Ha'aretz, Jerusalem Post, 1 August)

196. On 2 August, IDF troops overpowered a Palestinian woman when she tried to stab a soldier near Rachel's Tomb outside Bethlehem. The woman was detained for interrogation. In another incident, several fire-bombs were thrown at a border police patrol in Hebron. No injuries or damage were reported. Three other incidents in which stones were thrown at Israeli vehicles also occurred in Hebron without causing any damage or injury. In another development, it was reported that the Israeli security authorities were continuing to carry out large-scale arrests of Islamic Jihad and Hamas activists in the territories. Seventy Palestinians suspected of "terrorist" activities were arrested over the weekend and a large amount of inflammatory material was found. IDF troops deployed in dozens of Palestinian villages, where they carried out door-to-door searches of Palestinian homes, mosques and public institutions. (Ha'aretz, Jerusalem Post, 3 August)

197. On 3 August, a 57-year-old Palestinian shepherd from Yatta was shot dead in a field, reportedly by a settler, near the Karmel settlement in southern Mount Hebron (see list). A Palestinian eyewitness reported that he was shot from a car with Israeli licence plates. The eyewitness stated that the occupants of the car had slowed down, told the Palestinian to approach the vehicle and fired at him several times. The eyewitness claimed that the gunman was wearing a skullcap. The residents of Yatta village assumed that the murder was the revenge of settlers for the Jerusalem bomb attack. They stated that the victim had no disputes with anyone in the village, was not a land dealer, had never been detained in Israel and was not involved or associated with any political organizations or factions in the territories. The Judea and Samaria (West Bank) spokesman stated that the victim's body had been taken for autopsy and that he was unable to confirm reports that the man had been shot from a passing vehicle with Israeli licence plates. (Ha'aretz, 4 and 5 August; Jerusalem Post, 4 August; also referred to in The Jerusalem Times, 8 August)

198. On 4 August, the leader of Hai ve Kayam and another activist from the movement were arrested while trying to force their way onto the Temple Mount in order to hold special prayers there. Their arrest followed a recent ruling by Jerusalem Magistrate's Court that while quiet prayer on the Mount would be allowed, the police were authorized to regulate it. (Jerusalem Post, 5 August)

199. On 5 August, the IDF continued its campaign of arrest in the West Bank, rounding up 20 Palestinians. In addition, Palestinian villages in area B were also raided in an effort to discover the source of explosives used in the Mahaneh Yehuda suicide bombing attack. In another incident, the police arrested two Palestinians on suspicion of throwing fire-bombs in the vicinity of Halhoul. In the Old City of Jerusalem, police forces again prevented the leader of Hai ve Kayam, Yehuda Etzion, from entering the Temple Mount compound in order to pray there. The incident occurred one hour after Jerusalem Magistrate's Court had ordered his release following his arrest in similar circumstances. In another development, a leaflet signed Izz al-Din al-Qassam, the military wing of Hamas, warned of more attacks against targets inside Israel. The leaflet accused Israel of ignoring a Sunday night deadline to release Hamas prisoners and stated

that there would be no other warnings issued. (Ha'aretz, 6 August; Jerusalem Post, 6 and 7 August)

200. On 6 August, the security authorities arrested 20 Palestinians in the West Bank on suspicion of involvement in hostile "terrorist" activities. (Ha'aretz, 7 August)

201. On 7 August, an explosive device was thrown at a border police jeep accompanying a settler vehicle in Hebron. There were no injuries or damage. In another development, the Israeli security forces arrested 12 Palestinians as part of a continued sweep aimed at destroying the infrastructure of Hamas and other "terrorist" organizations in Judea and Samaria (West Bank). The arrests brought to over 200 the number of Palestinians rounded up since the Mahaneh Yehuda suicide bombing attack. The IDF also raided mosques and other institutions affiliated with Hamas and confiscated inflammatory material. (Jerusalem Post, 7 August)

202. On 11 August, an Israeli man died of wounds sustained during the 30 July suicide bombing attack in Jerusalem's Mahaneh Yehuda market. His death raised to 14 the number of Israelis killed during the attack. In another development, some 1,500 Palestinians staged an anti-Israeli demonstration in Ramallah and burned the Israeli flag. At the end of the demonstration, some 500 protesters marched to an Israeli checkpoint to the south of the city where they clashed with IDF troops who responded with tear-gas and rubber bullets in order to disperse them. One Palestinian was slightly injured by a rubber bullet. In Gaza, some 3,000 Palestinians demonstrated against the closure of the occupied territories and demanded the release of Palestinian prisoners. In another incident in Israel, a small explosive device exploded near an abandoned building in a park located in the centre of Afula. There was no damage or injuries. (Ha'aretz, Jerusalem Post, 12 August)

203. On 12 August, Palestinian demonstrators in Nablus burned an effigy of Prime Minister Benjamin Netanyahu as well as Israeli and United States flags. Daily rallies of thousands of Palestinians reportedly took place in Nablus, Ramallah and Gaza during the visit of United States Special Envoy to the Middle East, Dennis Ross. Though ostensibly organized to protest against the closure, some demonstrators expressed support for suicide bombers. In another development, some 50 members of the Temple Mount Faithful movement tried to enter the Temple Mount in order to pray there. When barred from entering by the police, the group staged a sit-in and prayer session, blocking the western entrance to the Mount for almost three hours. (Ha'aretz, Jerusalem Post, 13 August)

204. On 13 August, a Palestinian resident was slightly injured when he was shot at by a border policeman during a violent confrontation with Palestinians at the Nablus Gate in East Jerusalem. Three policemen were slightly injured by stones during the incident. The confrontation was reportedly prompted by the arrest of two Palestinians who had been involved in a dispute with a 23-year-old Jewish tourist from Guatemala. (Ha'aretz, 14 August)

205. On 14 August, the 14-year-old Palestinian boy who had been shot by IDF soldiers during clashes in Hebron in July died of his wounds (see list). The boy had been in a coma since 21 July. In another development in Hebron,

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hundreds of masked Fatah activists, some clutching knives and axes, staged a protest march against Israel. In another incident, Israel apprehended a Palestinian policeman on suspicion of shooting at IDF soldiers patrolling near Gush Katif in the Gaza Strip. However, a Palestinian official denied that the policeman had fired at the soldiers. (Jerusalem Post, 15 August; also referred to in The Jerusalem Times, 22 August)

206. On 19 August, the IDF detonated several dozen kilogrammes of explosives from the Beit Sahur bomb factory, which had been discovered by the Palestinian police in July. (Jerusalem Post, 20 August)

207. On 23 August, some 300 Palestinians took part in a march towards an IDF outpost in the vicinity of Rachel's Tomb outside Bethlehem in order to protest against the continued closure of the town. The marchers were joined by senior local officials who complained that the continued closure was destroying tourism and business in Bethlehem. Several dozen youths threw stones at soldiers who responded with tear-gas and rubber bullets. Another demonstration against Israeli policies took place in the Palestinian-controlled section of Hebron. (Jerusalem Post, 24 August)

208. On 25 August, IDF troops fired rubber bullets and tear-gas for four hours at some 70 stone-throwing Palestinian youths near Rachel's Tomb in Bethlehem. According to eyewitnesses, Palestinian police took up positions behind the barricades and pointed their assault rifles at the Israelis. According to hospital officials, three Palestinians were wounded by rubber bullets, one of them in the neck. (Ha'aretz, Jerusalem Post, 26 August)

209. On 26 August, violent clashes between IDF troops and Palestinian protesters erupted at Rachel's Tomb in Bethlehem. IDF soldiers fired rubber bullets at the Palestinians who were demonstrating against the extended blockade of Bethlehem, wounding seven Palestinians, including a Palestinian policeman who tried to open fire on Israelis. Soldiers also fired tear-gas at the demonstrators, with some of the gas wafting into the nearby Bethlehem Elementary School for Girls, affecting a dozen Palestinian girls who had to be treated in hospital. During other incidents in Bethlehem and Halhoul, a number of fire-bombs were thrown at Israeli troops, causing no injuries or damage. It was reported that 56 persons and some 40 children had suffered from tear-gas inhalation. (Jerusalem Post, 27 August; also referred to in The Jerusalem Times, 29 August)

210. On 27 August, IDF troops arrested 15 Palestinians in the villages of Dar Salah and Al-Hazan in the Bethlehem area. Palestinian sources reported that the majority of those detained were linked to the PFLP and had been arrested in the past. (Jerusalem Post, 28 August)

211. On 30 August, a border policeman, a civil guard volunteer and four Palestinians were injured during clashes between policemen and residents of the Kalandia refugee camp north of Jerusalem. The incident began when dozens of residents threw stones at a police car chasing a suspicious vehicle in the camp. The policemen responded by firing tear-gas and rubber bullets at the crowd, slightly injuring four Palestinians. One of the stone-throwers was arrested. (Jerusalem Post, 31 August)

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B. Administration of justice, including the right to a fair trial

1. Palestinian population

Oral evidence

212. The representative of the Palestinian Society for the Protection of Human Rights and the Environment provided a general view of the administration of justice by the Israeli authorities:

> "The Israelis are using and manipulating all existing laws, Jordanian, British, Turkish, and they add to that military orders, Israeli military orders, to use the law to their advantage. Whenever they don't find an article or a law in the existing laws, they create a new military order." (Mr. Shawqi Issa, witness no. 25, A/AC.145/RT.722)

213. Mrs. Lynda Brayer, Executive Legal Director of the Society of St. Yves, informed the Special Committee about the Israeli practice of not keeping appropriate records of legal proceedings:

> "There are no protocols. That is the problem. There are no protocols of these proceedings. About one year ago, they instituted what you might call minutes. You know, like from time to time I would write something down! But what you and I mean by protocol is a verbatim transcript of what is said.
>
> "There is nothing. Deliberately. Deliberately. And that is why you can't understand anything from the decisions of the court." (Mrs. Lynda Brayer, witness no. 14, A/AC.145/RT.719)

214. A witness described the hardships in the legal field faced by Palestinians:

> "The system is that you should send your papers or your case to a lawyer and the lawyer petitions on your behalf. It can be a Palestinian or an Israeli lawyer, but the Palestinian lawyer can do nothing. So, we send the papers to an Israeli lawyer. It is also difficult for a Palestinian lawyer to gain access to Israel. He would not be able to enter Israel and do his work on behalf of his client. So, I got in touch with the Israeli lawyer by telephone. The papers were sent to him by some of the workers who cross Gaza into Israel." (Anonymous witness no. 1, A/AC.145/RT.715)

215. The Special Committee was informed about the situation of Palestinians who are arrested by the Israeli authorities:

> "Thousands of Palestinian citizens, in particular the workers who work inside Israel, are stopped by the Israeli authorities and are presented before a judge without legal representation. Many people are brought before a court and find themselves punished with heavy sentences. They cannot appeal those penalties, because they do not know what the legal processes are that they should engage in in order to be able to appeal, again because they are deprived of legal assistance and the availability of

> such assistance. In a number of court cases, the Israeli magistrates do not have any evidence at all against the detainees, but the final declaration is of course in the absence of the lawyer.
>
> "Many of the court cases requiring a follow-up inside Israel - like, for instance, a car accident, insurances, compensations - cannot be dealt with because the lawyer has no access, although it would be of his competence and he would need to go into Israel." (Anonymous witness no. 9, A/AC.145/RT.717)

216. The Committee's attention was drawn in particular to the situation of Palestinian children who have been arrested:

> "Some children are even taken to court and prosecuted, without taking into consideration their specific conditions. They are detained under extremely hard circumstances. Some of these children could have their sentences commuted or they could be released if they received legal assistance. But because they do not receive legal assistance, neither are their sentences commuted nor are they released." (Ibid.)

217. The Special Committee asked the witness whether Palestinian victims of violations of their rights had the possibility to seek redress:

> "There is a mechanism. But this mechanism is suspended. According to it, anybody has the right to submit a petition or a complaint for any violation he has been a victim of. But the question is: what is the result of the complaint? I have no specific idea on the question of the ambulance driver, but any person who has been the victim of gunshots (and in this case it is very clear that he was not participating in any events, he was a passer-by), everyone has the possibility to submit a complaint to the authorities in Israel. But the question remains the same: the military magistrate, the military prosecution would initiate an investigation. The victim is summoned if alive, or eyewitnesses are summoned and an investigation is carried out. But then, there is another question: to what extent does Israel respond to these cases? In a number of cases, it was very clear, the responsibility was that of Israel and I myself have been involved in a number of such cases and have followed them up. Until today, although the clear responsibility of Israel has been established, compensations have not been paid to those victims." (Ibid.)

218. The representative of B'tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, described a case illustrative of the general feeling of Palestinians regarding the administration of justice by the Israeli authorities:

> "It was a case of killing at the hands of the Israeli settlers. When we asked for the approval of the family to proceed to an autopsy, they told us: 'What is the use of carrying out this post mortem?' There was this trial of Israeli soldiers who were each sentenced to pay one agora! So, what is the use? Let us suppose that the Israeli authorities are really going to open an enquiry, let us suppose that they will prosecute the killers of our martyr, they are probably going to pay this agora, just as

> all the others before them have done. So, just let us maintain the dignity of our dead and not allow their bodies to be cut up in a post mortem!"
> (Mr. Najib Abu Rokaya, witness no. 29, A/AC.145/RT.722)

219. Accounts of the administration of justice in the occupied territories may be found in documents A/AC.145/RT.715 (anonymous witness), A/AC.145/RT.717 (anonymous witness), A/AC.145/RT.719 (Mrs. Lynda Brayer) and A/AC.145/RT.722 (Mr. Shawqi Issa and Mr. Najib Abu Rokaya).

Written information

220. On 13 May, the Ministry of Defence was ordered to pay 325,000 new Israeli Shekels (NIS) to a Palestinian widow and her six children. The widow claimed that her husband, Abdallah Mouhammed Rahawi, had been shot in December 1989 by IDF soldiers while repairing his car near their home in the Gaza Strip. He was shot in the neck and died of his wounds. The prosecution demanded NIS 1.3 million in compensation from the State and the Ministry of Defence for negligent behaviour by IDF soldiers. The compromise agreement was given the force of verdict by Haifa Magistrate's Court without the Ministry of Defence admitting responsibility for the incident. In its statement of defence, the State argued that the claimants had not submitted evidence regarding the circumstances of Rahawi's death because his corpse had been taken from the hospital for burial before an autopsy could be carried out. The State further claimed that even if the incident had occurred, it should be considered within the framework of enforcement of public order and the protection of the lives of soldiers caught in a dangerous situation. Hence, the State's claim that the soldiers' act of opening fire, if indeed such an act had occurred, was reasonable and part of a military operation carried out "without deviating from what is reasonably necessary". (Ha'aretz, 15 May)

221. On 30 May, it was reported that in an unusual decision by an Israeli court, an illegal land sale to the Elad Jewish settler group in the Jerusalem quarter of Silwan had been overturned. The court ruled that the documents on which the land sale was based were fraudulent and illegal and that the property should be reverted back to its former owners. The case was taken to court by the Palestinian Society for the Protection of Human Rights and the Environment on behalf of Munira Siam. (The Jerusalem Times, 30 May)

222. On 8 June, Haifa Magistrate's Court gave force of verdict to a compromise agreement under which the State would pay NIS 1 million to a 10-year-old Palestinian boy who was shot in the head at a school courtyard in a refugee camp in the Gaza Strip during the intifada. The child's parents had asked for NIS 6.9 million in compensation. The statement of defence claimed that the boy was injured in May 1993 during an incident in which a resident of the refugee camp was shot at near the entrance to the school. According to the claimants, the military forces that shot the resident also hit the child. As a result of the shooting, the boy became paralysed in all four limbs. The boy's lawyer accused the State of vicarious liability because of the negligence of the soldiers who opened fired without issuing a warning and continued firing without interruption, in violation of open-fire rules. The State Attorney rejected the charges, claiming that the soldiers had acted in line with their duty of maintaining public order. According to the Attorney, it was a war-time military

operation conducted out of necessity, thereby exempting the State from having to compensate the claimants. The above-mentioned compromise agreement was given force of verdict without the State having admitted to the charges contained in the statement of claim. (Ha'aretz, 9 June)

223. On 13 June, it was reported that a court in Haifa had granted $500,000 to a Palestinian youth who was very seriously wounded during the intifada. The youth was wounded by an Israeli soldier in May 1995, while standing in the courtyard of his parents' house in the Shat' refugee camp in the Gaza Strip. Despite the verdict handed down by the President of the Court, the State of Israel did not admit its responsibility for the incident. (The Jerusalem Times, 13 June)

224. On 20 June, it was reported that four Palestinians had been indicted by an Israeli district court in Jerusalem on charges of kidnapping and transferring land dealer Farid Bashiti to the headquarters of the Palestinian Intelligence Services in Ramallah. A few hours later, Bashiti was discovered dead in a field outside Ramallah. Bashiti was accused by the Palestinian Authority of selling Palestinian land to Israelis. (The Jerusalem Times, 20 June)

225. On 24 June, a Palestinian woman whose 13-year-old daughter had been killed in 1989 during riots by settlers appealed to the High Court of Justice to order the police to allow her lawyers to examine the investigation files concerning the case. The woman argued, through the Centre for the Protection of the Individual, that she needed the material for a compensation claim she had filed with Jerusalem Magistrate's Court. According to the woman, her daughter was killed during riots by settlers who entered her village, opened fire at residents' houses, set haystacks on fire, caused heavy damage to property, injured one of the residents by gunshots and killed a donkey. In March 1990, four of the settlers were put on trial in Tel Aviv Magistrate's Court on several counts, including the killing of the girl. Under a bargain plea, however, the prosecution revoked the murder charges in exchange for a confession by the settlers regarding the other counts contained in the charge sheet. Appeals by the mother to the police to allow her to consult the investigation files were rejected on the grounds that the settlers had not been charged with the killing. The police also added that the girl's body had not been examined and that an autopsy could not be performed because it had been taken away for burial. Therefore, the police claimed, there were no clear-cut findings regarding the circumstances of the death. In the appeal, the lawyer claimed that the stance of the police unjustifiably contradicted the State Attorney's 1994 instructions, which recognized the right of a person with legitimate interest to consult police investigation files, especially in order to file an appeal or submit a civil case. (Ha'aretz, 25 June)

226. On 4 July, it was reported that, in a compromise agreement, the State would pay NIS 550,000 to a Palestinian from Nablus who had been shot by an IDF undercover force on operational mission at the beginning of December 1989. The claimant, who was 15 and a half at the time, had been injured by gunshots fired by the Force, which was on its way to capture a Black Panther cell. As a result of the shooting, he was paralysed in the upper part of the body, had to be confined to a wheelchair and hospitalized for long periods. (Ha'aretz, 4 July)

227. On 7 July, Beit El Military Court sentenced Hamas master bomber Hassan Salameh to 46 consecutive life terms in prison, plus 20 years, for engineering three suicide bombings in Israel in February and March 1996. Forty-six people had been killed and 90 wounded in the blasts. Salameh was already serving two other life sentences: one for planning a 1995 suicide bombing in which an Israeli soldier was wounded and the other for killing a Palestinian suspected of collaborating with Israel. One member of the three-judge panel favoured sentencing Salameh to death. Prosecutor Maj.-Gen. Daniel Cohen stated after the sentencing that the decision not to request the death penalty was part of the IDF's policy not to demand the death penalty for "terrorist" murderers. (Ha'aretz, Jerusalem Post, 8 July; also referred to in The Jerusalem Times, 11 July)

228. On 7 July, it was reported that Nazareth Magistrate's Court had ordered the State to pay NIS 1.6 million to a 24-year-old resident of the Far'a refugee camp in Samaria (northern West Bank) who had been injured in the spinal cord by IDF gunfire in 1989, as a result of which he remained paralysed in the lower part of the body. In addition, the State was ordered to pay the claimant's legal costs as well as his lawyer's fees, totalling some NIS 25,000. (Ha'aretz, 7 July)

229. On 9 July, Nazareth Magistrate's Court sentenced a 46-year-old Arab truck driver to 30 years' imprisonment for driving from the Gaza Strip the suicide bomber who carried out the Dizengoff Centre bombing attack in March 1996 in which 13 people were killed and 113 injured. The defendant was convicted on all the counts against him, including assisting in murder and entering Israel illegally. (Ha'aretz, 10 July)

230. On 9 July, Jerusalem Magistrate's Court rejected a lawsuit filed by a 25-year-old Palestinian man from Khan Younis who requested the Court to order the Ministry of Defence to pay him damages for the disability he had suffered as a result of gunshots fired at him by undercover border policemen during the intifada. The claimant had reportedly been injured by gunshots in May 1991 while returning home from prayers at a mosque. As a result of the injury, he suffered a 60 per cent disability and had among other things to have his spleen and a kidney removed. In his ruling, the judge stated that the prosecution had failed to prove that the border policemen had acted with negligence when they hit the Palestinian during riots in Khan Younis and rejected the claim. (Ha'aretz, 9 July)

231. On 29 July, the High Court of Justice rejected an appeal by the father of an Islamic Jihad suicide bomber to allow him to enter Israel in order to continue working in the community of Nir Galim. The appeal was filed against OC IDF troops in the Gaza Strip who had banned the Palestinian from entering Israel because of the attack committed by his son at the Netzarim junction. The man was backed by the residents of Nir Galim who praised him for being a devoted worker. The justices ruled, however, that the claim by the army officer's representative that the ban was aimed at deterring would-be suicide bombers was a relevant and weighty consideration and therefore the High Court did not see fit to interfere with his decision. The attorney claimed during the hearing that the Palestinian had worked in Nir Galim for two thirds of his life and that the entry ban imposed on him had cut off his family's only source of income. In

addition, he claimed that it could not be presumed that he knew what was going on in his son's heart. (Ha'aretz, 31 July)

232. On 12 August, it was reported that Haifa Magistrate's Court had ordered the State to pay NIS 290,000 in compensation as well as lawyer fees amounting to 15 per cent of that sum to the family of a Palestinian shepherd from the village of Yatta (Hebron area) who was killed by unexploded ordnance in an IDF fire practice area in the Arad region in July 1994. (Ha'aretz, 12 August)

2. Israelis

Written information

233. On 17 June, Tel Aviv District Court acquitted a settler from Shilo of charges that he had attacked a Palestinian news photographer during a demonstration in Samaria (northern West Bank) in July 1996. The judge accepted a video recording of the incident as evidence that the settler did not harm the photographer. (Jerusalem Post, 18 June)

234. On 22 June, it was reported that the Military Advocate-General, Brig.-Gen. Uri Shoham, had decided not to open an investigation against IDF soldiers who were involved in incidents in which Palestinians were killed in the territories during the riots in September 1996. Shoham expressed the view that the riots amounted to war and therefore no soldier involved in shooting incidents, including unjustified ones, was to be interrogated. For the same reasons, it was decided not to probe into the circumstances in which Israeli soldiers died during the riots. Sixteen IDF soldiers and at least 69 Palestinians were killed during the riots, which were sparked off by the opening of the Western Wall Tunnel. (Ha'aretz, 22 June)

235. On 11 July, it was reported that Nahum Korman, the settler who killed a Palestinian child in October 1996, had been released without trial. Korman beat 10-year-old Hilmi Shisheh to death near the village of Husan in the Bethlehem area. Korman was working as a security guard at the nearby Ofrat settlement. (The Jerusalem Times, 11 July)

236. On 21 August, the Israeli woman who had distributed the anti-Muslim slander leaflets depicting the Prophet Mohammed as a pig in Hebron was released from police detention on an NIS 50,000 personal bail and placed under house arrest. The decision to release the woman from detention was reportedly reached with the consent of the State. (Ha'aretz, 22 August)

237. On 14 August, Jerusalem Magistrate's Court sentenced two border policemen who had been filmed assaulting Palestinians to 8 months in prison plus a 12-month suspended sentence. The policemen were filmed by an amateur cameraman while attacking six Palestinians who had been stopped in November 1996 at the Al-Ram roadblock in northern Jerusalem without entry permits. The videotape showed the two policemen kicking some of the Palestinians in the head, kicking one in the stomach with their knees, forcing others to do push-ups and riding one Palestinian like a donkey. When reading their sentences, the judge stated that their actions were a disgrace to the border police and expressed the hope

that the prison sentences would discourage such behaviour in the future. The verdict was issued one day after B'tselem, the human rights organization, had released a 31-page report giving details about 15 cases of beatings, degrading treatment and serious abuse of Palestinians by the security forces over the previous three months. (Jerusalem Post, 15 August)

C. Treatment of civilians

1. General developments

(a) Harassment and physical ill-treatment

Oral evidence

238. A witness from the Gaza Strip described the harassment faced by Palestinian workers as a result of restrictions placed on their freedom of movement:

> "I normally start work at 7.30 in the morning, but as a result of the harassment and the delays that we often meet when we are going to work, we start the journey early, between 2.30 and 3.00 in the morning, to guarantee that we will be able to be at work around 7.00 o'clock, to be sure that we can start working at 7.30 a.m.
>
> "Before that, before the intifada, before the disturbances and before the delays, it would have been enough for somebody to envisage an hour and a half in his own car from his place of residence to his place of work in Tel Aviv.
>
> "There are two forms of obstruction. There are obstructions and delays I encounter within the Gaza Strip, within my place of residence until I get to the Green Line. And there are other obstructions and other types of delays that we experience when we cross the Green Line and until we reach our place of work in Tel Aviv.
>
> "At the Green Line, because of security reasons and security arrangements, people have to get out of the vehicles that have transported them so far and walk for a long distance, before they can cross the Green Line and get to the point where they can take another means of transport to take them to their place of work. In the summer, this is not very much of a problem, as it is very early in the morning and it is not hot yet. But in the winter it is a problem: we are quite exhausted by the time we have covered this distance on foot and left one form of transport to get on to the other." (Anonymous witness no. 3, A/AC.145/RT.715)

239. The same witness described the atmosphere at the crossing point:

> "From the Erez crossing point to the Green Line, there is a distance of about 100 metres, for a width of about four metres or even less. In this area, thousands of people are waiting to be cleared at the other end and then cross. It is overcrowded, people are pushing one another. Many people have collapsed and fainted, because they cannot breathe as there are

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> too many people in a very small space. Those 100 metres, sometimes you can cross them in one and a half hour. Sometimes you need two hours and sometimes you are lucky and you can cross in one hour, depending on how diligently the Israeli authorities or Israeli forces are allowing the people in. From this place where the people are concentrated, lines are formed, where 50 to 100 Palestinians are checked, one by one, by a soldier standing at the head of the line." (Ibid.)

240. The witness proceeded to describe the harassment workers are subjected to by the Israeli police once they have crossed into Israel:

> "I am talking here about the police themselves inside Israel. The police also have got their way of harassing us. They set up roadblocks at the entrance of Tel Aviv to check people, to make sure that everybody carries his documents.
>
> "But instead of the police officer getting on to the Palestinian bus and checking that everyone has got his magnetic card with him and that there is nobody without papers, they ask all the Palestinians on the bus to disembark and they check all the people on the street. It could be early in the morning at five o'clock, it could be raining, or it could be later in the morning and the sun could be quite hot, they ask all the Palestinians to get off the bus, they check their identity and then the Palestinians have to get on the bus again.
>
> "We are put aside, off the bus, we are made to stand in line, we are not allowed to talk, we are not allowed to ask questions, we are not allowed to smoke. Once, before my very eyes, one Palestinian worker who had a cigarette in his hand and refused to throw it away, was beaten and insulted on the street. Even if you ask a question, for no reason whatsoever you could be taken by a policeman on to the side of the road, hands up and you are frisked and searched, for no reason whatsoever, for merely asking a question." (Anonymous witness no. 3, A/AC.145/RT.715)

241. The witness described the feeling of workers regarding their treatment:

> "It is not really the waste of time, it is not really the slow procedure, but it is the humiliation that affects us. It is not the fact that we have to stand, it is not the fact that it is slow, it is the humiliation that goes with it. It is the humiliation that makes it much, much worse." (Ibid.)

242. Another witness from the Gaza Strip provided additional details about the Erez checkpoint:

> "Most of the workers in the area leave their homes at three o'clock in the morning to go to the Erez checkpoint, the crossing point. The Israeli authorities keep them there at least three hours. This applies to all workers in the Gaza Strip. It is obvious that the Israelis could arrange for the procedures to be much faster. They have the facilities to do so. For example, there are 24 corridors and entrance counters where the workers are cleared. But from these 24 passages, they only open 8 or 10, although

> it is obvious that they could open all 24." (Anonymous witness no. 6, A/AC.145/RT.715)

243. A lawyer described to the Special Committee what happens to Palestinian households during arrest operations:

> "The Israelis carry out arrests in a terrorizing manner, in complete violation of international rules, instruments and norms. It happens after midnight, with large numbers of soldiers, police and Intelligence officers. They enter the houses by force. Sometimes, they destroy the doors. Of course, they search. Sometimes, they destroy and spoil what they find in the house, like for instance mixing sugar with rice, oil with other foodstuffs. If the family members object, they are of course beaten up." (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

244. The representative of B'tselem, the Israeli Information Center for Human Rights in the Occupied Territories, described the recent policy of the Israeli forces in Hebron:

> "We have issued a document reporting that while Israeli forces were attacking some houses in Hebron in order to search for weapons, the female soldiers among them asked all the women of the household to take off their clothes, including the underwear. It so happened that a male Israeli soldier went into the room where one woman was naked.
>
> "The women soldiers could have searched the women to find out whether they were hiding weapons in their clothes and there is electronic equipment that could easily have been used to detect any kind of weapons hidden in the clothes, without subjecting them to the humiliation of undressing. They did not need to insult the women and ask them to take off their clothes." (Mr. Najib Abu Rokaya, witness no. 29, A/AC.145/RT.722)

245. Accounts of harassment and physical treatment may be found in documents A/AC.145/RT.715 (anonymous witnesses), A/AC.145/RT.720 (Mr. Khaled Mahmud Quzmar) and A/AC.145/RT.722 (Mr. Najib Abu Rokaya).

Written information

246. On 9 May, it was reported that during the closure imposed on the town of Sourif, which lasted 43 days, Israel had raided many houses and arrested scores of people suspected of membership in the Islamic movements of Hamas and the Islamic Jihad. The collective punishment was extended to the rest of the population. The water supply to the town was cut off several times. Soldiers fired at water tanks and solar heaters, destroying many. According to legal sources, more than 350 inhabitants were injured by rubber bullets and live ammunition during the siege. (The Jerusalem Times, 9 May)

247. On 14 May, the Military Court of the Southern Command was presented with a charge sheet against three soldiers from the Giv'ati regiment who had been accused of abusing and attacking Palestinians in aggravated circumstances. The charge sheet claimed that in October 1996, while driving to the Erez detention facility, the soldiers had beaten and abused two Palestinians they had arrested.

According to the charge sheet, the Palestinians had been blindfolded and their hands tied behind their backs. One soldier beat the detainees on the head and the back and kicked them during the journey. Another soldier pushed one of the Palestinians and hit him on the back and the head with his personal weapon. In addition, the Palestinians were ordered to sing the song "Giv'ati Sheli" ("My Giv'ati"). They were beaten when they refused. One of the Palestinians lost consciousness and suffered from swelling on the head, on the back of his neck and on the back. The second Palestinian suffered from internal bleeding near his right ear. The soldiers denied the charges against them. (Ha'aretz, 15 May)

248. On 23 May, it was reported that the IDF continued their harassment of pupils of the Qarara Elementary School near the settlement of Kfar Darom, in the Gaza Strip. The number of pupils has declined sharply owing to the aggravated conditions. A teacher stated that the pupils had been shot at by settlers and that there had been several attempts to run them over, in addition to the long hours they had spent being searched by soldiers. (The Jerusalem Times, 23 May)

249. On 6 August, the Jerusalem police detained for interrogation seven Kach activists after they had tried to attack Arab labourers in Jerusalem's Mahaneh Yehuda market, while chanting "Death to the Arabs". (Ha'aretz, 7 August)

250. On 12 August, it was reported that a 17-year-old youth had been detained and raped by border police in the city of Hebron. (The Jerusalem Times, 22 August)

251. On 13 August, B'tselem issued a report on continuing border police violence. The 31-page report provided testimony on 15 cases of beatings, degrading treatment and serious abuse of Palestinians by the security forces over the previous three months. Twelve of the cases described involved border policemen. "Beating, ill-treatment and humiliation of Palestinians especially at roadblocks by the border police is a very widespread and continuing phenomenon", said Yuval Ginbar, one of the authors of the report. The report recalled that a televised videotape showing two border policemen kicking, slapping and sitting on Palestinian workers after they had tried to avoid an IDF roadblock had shocked many in November 1996. The report noted, however, that nothing had been done to change the behaviour of border policemen while on duty. Among the testimonies included in the report were that of a 22-year-old Palestinian man from Tsur Baher who testified that in May he had been struck to the ground after refusing to lie under a border police jeep near the Beit Sahur checkpoint; a 51-year-old man who stated that he had been struck to the ground and kicked in the head by several border policemen in June; a 21-year-old man who testified that he had been slapped every time he raised his head from between his knees after being placed in a police jeep in July; a 19-year-old man from Nahalin who stated that in July he had been forced to stand against a wall and had been hit repeatedly on the back. When he turned around, he was punched in the stomach. A 27-year-old man from Khader village stated that on 12 August he had been tied by one leg to a jeep and dragged along on the ground for several hundred metres. Reacting to the report, the border police stated that they would examine the accusations and take measures against the perpetrators, if the accusations were proven correct. (Ha'aretz, 14 August)

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252. On 14 August, three border policemen were arrested by their commander after they had confessed to abusing two Palestinian workers near Beit Shemesh. The arrest followed a Channel 1 report showing one of the Palestinians as he described the incident to police investigators. The Palestinian, aged 19, stated that the border policemen had beaten him and his cousin, aged 27, with clubs, had tied them to a jeep and dragged them along a dirt road. In addition, they threatened to shoot them. Channel 1 reported that the two Palestinians had entered Israel without permits, in violation of the closure imposed on the West Bank. On 22 August, the three policemen were released on NIS 95,000 bail each. They were to remain under house arrest pending their trial on charges of aggravated assault, abduction and abuse of power. A Jerusalem district court judge stated that the recently reformed detention laws did not allow her to keep the policemen in custody any longer, although their actions were outstanding in their cruelty. (Ha'aretz, 14 and 24 August; Jerusalem Post, 15 and 24 August)

253. On 18 August, it was reported that a 19-year-old Palestinian, Ibrahim Al Zagha, had been beaten and abused by border guards for no apparent reason in the city of Nablus. (The Jerusalem Times, 22 August)

254. On 22 August, it was reported that B'selem had published a report that included 15 cases of beating, degrading and serious abuse of Palestinians by Israeli security force personnel over the previous three months. At least 12 of the cases had involved border police officers. The frequency and nature of the attacks have led Palestinian human rights activists to suggest that there could be a specific unit of the border police whose duties might include the systematic beating of Palestinians. A fieldworker from the human rights organization Al Haq based in the area of Ramallah, Ahmad Jaradat, indicated that he had recognized a pattern in the cases. Jaradat documented 10 cases of beatings since 10 July in the Bethlehem area, a short distance from the Gilo checkpoint and the checkpoint at the Gush Etzion tunnel. All of the attacks were carried out against Palestinian men travelling in the direction of Jerusalem. In one of the cases documented by Al Haq, Ahmad Hussein, Daoud Moussa and Mahmoud Atallah Ghneim stated that the border police had taken them to an isolated spot near Bethlehem on 30 July. The men's ID cards were burned and they were severely beaten. They managed to escape before the soldiers killed them. Of the four soldiers present at the scene, only two participated actively in the attack. The two men were arrested a fortnight later and confessed to the charges. An Israeli court sentenced the soldiers to eight months' imprisonment. The execution of the sentence was postponed for 45 days in order to give the defendants time to appeal. (The Jerusalem Times, 22 August)

(b) Collective punishment

(i) Houses or rooms that were demolished or sealed

Oral evidence

255. The demolition of Arab-owned houses by the Israeli authorities has been stepped up considerably since the end of July 1997. A lawyer from Jerusalem provided information about house demolitions:

> "Furthermore, the Israelis have demolished houses belonging to Arabs. From 1987 to 1996, 144 houses were demolished according to one report, in addition to other houses that were demolished on 13 August 1996. Two houses were demolished in Essawiya in Jerusalem. On 15 August 1996, houses were demolished in Sur Bahel, on 20 August in Wadi Qaddum and, also in August, a house was demolished in the Old City of Jerusalem, a house that served for handicapped people and where they were given services. On 17 September 1996, another house was demolished in Selwan. Furthermore, 137 houses are today threatened with demolition in accordance with a decision by a local Israeli committee.
>
> "So, the Israelis prevent the Arabs from obtaining building permits. The Arabs in Jerusalem cannot build, they are allowed to build outside Jerusalem and if they build outside Jerusalem, their residency rights will be cancelled, their identity cards withdrawn and they are then prevented from entering Jerusalem. We have never heard of the demolition of an Israeli house in East or in West Jerusalem." (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

256. The representative of The Palestinian Society for the Protection of Human Rights and the Environment provided the Special Committee with information concerning the demolition of Arab-owned houses:

> "Since September 1993, that is, since the peace agreement was signed, until now, the Israelis have demolished 270 houses in the West Bank, including East Jerusalem, of which 92 houses were demolished under the Labour Government. Since Netanyahu came to power, that is, since 29 May 1996 until 29 May 1997, 180 houses have been demolished. Now, there are about 500 houses that are subject to demolition in the near future." (Mr. Shawqi Issa, witness no. 25, A/AC.145/RT.722)

257. He indicated that houses of persons who committed or were suspected of having committed security offences continued to be demolished by the Israeli authorities:

> "This type of demolition continues today. Last month, they demolished five houses in the village of Sourif. What I would like to say here is that they demolished not only the house where the suspect was supposed to be, but they also demolished the houses of the family, of the relatives. In one of the five houses, the person concerned, who is in jail today, practically never lived in that house, but the members of the family did. However, the Israelis demolished the house with the other four houses." (Ibid.)

258. Testimonies relating to houses or rooms that were demolished or sealed may be found in documents A/AC.145/RT.720 (Mr. Ahmad Rwaidy) and A/AC.145/RT.722 (Mr. Shawqi Issa).

Written information

259. On 5 May 1997, an IDF bulldozer demolished what the army claimed were seven illegally built and uninhabited "structures" near the Kiryat Arba settlement.

Palestinian residents claimed, however, that some of the houses had been built more than six years ago and that the demolition had left 28 people homeless. Hebron Mayor Mustafa Natshe sent a protest letter to Israeli officials in which he called the demolition an irresponsible act against the spirit of the peace process. The demolished houses were reportedly located in an area through which a bypass road was being built for Jewish residents. According to Palestinian reports, 13 houses had been destroyed in the Hebron area since the Likud Government had come to power. (Jerusalem Post, 6 and 7 May)

260. On 5 May, the Israeli authorities destroyed five Palestinian houses in Hebron on the grounds that they had been built without a licence. (The Jerusalem Times, 9 May)

261. On 6 May, the Civil Administration demolished six reportedly "illegally" built Palestinian houses in four villages located in the Ramallah area. (Ha'aretz, 7 May)

262. On 8 May, IDF troops and Civil Administration agents removed a number of Bedouin families living on what the army claimed was state-owned land in a village near Jericho. The soldiers demolished four houses in the village. Witnesses were quoted as saying that the soldiers had also confiscated tents, a tractor and water tanks and had beaten the Bedouin who opposed them. The IDF denied beating the Bedouin, stating that they had been evicted only after ignoring several warnings. (Jerusalem Post, 9 May; Ha'aretz, 14 May)

263. On 9 May, it was reported that five houses had been demolished in the town of Sourif during the 43-day siege. The houses were demolished in part on grounds that they had not been licensed, and partly because they had been the homes of members of a Hamas cell. (The Jerusalem Times, 9 May)

264. On 13 May, the Bedouin living in a village near Jericho lay on the ground in an attempt to prevent IDF bulldozers from demolishing their homes. Soldiers reportedly arrived at the site in the early morning hours to demolish what the Civil Administration said were seven illegally built structures. Dozens of villagers and members of the Palestinians local committee against settlements remained lying on the ground until soldiers left the site. Some 1,200 Bedouin reportedly settled down in the area in the 1950s. A number of years ago, the area was declared a closed military zone and served as a military practice area. (Ha'aretz, 14 May)

265. On 27 May, the Israeli authorities demolished a house in the Silwan quarter of Jerusalem on the grounds that it had been built without a licence. (The Jerusalem Times, 30 May)

266. On 28 May, the demolition of an "illegally" built house in Jerusalem's Silwan neighbourhood was temporarily halted by a court order following the intervention of Faisal Husseini, the Palestinian Authority Minister for Jerusalem Affairs. Two rooms and the kitchen were demolished, however, before the court order was issued. The Jerusalem Municipality stated in response to the court order that it would continue to tear down illegally built houses in all parts of the City. The spokesman for the Mayor, Haggai Elias, stated that there were hundreds of "illegal" constructions that were at present the subject

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of court actions. He indicated that as soon as the Municipality received the approval of the court, it would "go out and knock them down". He warned that this could happen any day. Faisal Husseini responded by stating that the peace process had collapsed because Israel wanted to decrease the Palestinian population in East Jerusalem. "Israel", he charged, "confiscates our ID cards and makes sure that we remain with no roof over our heads". (Ha'aretz, Jerusalem Post, 29 May)

267. On 29 June, it was reported that Defence Minister Yitzhak Mordechai, responding to a question by MK Naomi Hazan, had stated that 140 Palestinian structures had been destroyed in the West Bank in 1996. During the first three months of 1997, 56 structures were demolished: 39 by the Civil Administration and 17 by the tenants themselves or by the family who was building. Those partial figures were said to corroborate Palestinian claims according to which there had been an increase in the number of houses being demolished. Since the Oslo Accords and the division of the West Bank into areas A, B and C, it had reportedly become infinitely more difficult for Palestinians to obtain a building permit in area C. In Beit Mirsim village (located in area C) where houses had been demolished in 1967, residents were still waiting for building permits. Over the past months, 15 out of the some 30 families living in the village had received warnings ordering them to stop the construction of "illegal" houses or face demolition. (Ha'aretz, 29 June)

268. On 2 July, IDF troops sealed off an alley in Hebron where two IDF soldiers had been wounded by a pipebomb the day before. In addition, the security authorities threatened to seal off other alleys should disturbances continue in the town. (Ha'aretz, Jerusalem Post, 3 July)

269. On 10 July, former Attorney-General Michael Ben-Yair stated that the policy of demolishing terrorists' houses had failed to produce positive results or prove effective. Mr. Ben-Yair also stated that the demolition of a terrorist's family house amounted to collective punishment. (Ha'aretz, 11 July)

270. On 13 July, construction supervisors of the Jerusalem Municipality aided by police and border police forces completed the demolition of an "illegally" built Palestinian home in the Silwan neighbourhood in East Jerusalem. The demolition was carried out after Jerusalem Magistrate's Court had given permission for it to go ahead. Municipality sources announced that other steps were soon expected to be taken against dozens of other "illegal" structures as well as hundreds of floors "illegally" added to houses in Silwan. (Ha'aretz, Jerusalem Post, 14 July)

271. On 13 July, the Israeli authorities demolished the house belonging to the Al Bana family in East Jerusalem, on the grounds that it was built without a permit. (The Jerusalem Times, 18 July)

272. On 22 July, the Ir Shalem organization announced its intention to fight against the demolitions of "illegally" built Arab houses in East Jerusalem scheduled for October. The association was reacting to a recent announcement by Jerusalem Mayor Ehud Olmert that the City was planning to step up its demolition campaign against houses built without planning permits. Calling the City's action "immoral and blatantly illegal", Ir Shalem warned that it would fight a

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public relations battle against the City and resort to legal action if necessary. Speaking for the association, lawyer Danny Zimmerman warned that the demolition plans would increase the divide between Jews and Arabs and spark off a serious conflagration of violence and give rise to further international condemnation of Israel. Mr. Zimmerman observed that due to the City's discriminatory planning policy, legal building simply did not exist as an option for most Palestinian residents. He denied Mr. Olmert's claim that a "rampage" of recent Palestinian building had called for the demolitions, insisting that while Palestinians made up over 30 per cent of the City's population, they were responsible for only 12 per cent of all building violations. The City's spokesman dismissed Ir Shalem's claims as baseless, stating that hundreds of housing units had been built in East Jerusalem without permits and on "public land". (Jerusalem Post, 23 July)

273. On 30 July, Prime Minister Netanyahu ordered Interior Minister Eli Suissa to enforce demolition orders regarding several "illegal" structures in East Jerusalem. (Ha'aretz, 31 July)

274. On 3 August, the Civil Administration demolished two houses built without a permit in the village of Anata and the Al-Ram area north of Jerusalem. (Ha'aretz, 4 August)

275. On 4 August, under heavy border police and police guard, the Israeli authorities demolished five "illegally" built Palestinian homes in East Jerusalem. Faisal Husseini stated that the demolitions were a cruel measure, especially in view of the fact that the Israeli authorities refused to issue building permits to Palestinians in Jerusalem on various pretexts. MK Ran Cohen (Meretz) also issued a statement demanding that the Prime Minister and the Mayor of Jerusalem immediately stop the demolitions, which, he warned, were liable to trigger off an explosion. (Ha'aretz, Jerusalem Post, 5 August)

276. On 5 August, Civil Administration workers, guarded by IDF soldiers, demolished three Palestinian homes located near bypass roads in the Hebron area. According to Civil Administration spokesman Peter Lerner, all the houses had been built "illegally" and the Administration had gone through all the necessary procedures before carrying out the demolition. (Ha'aretz, Jerusalem Post, 6 August)

277. On 8 August, it was reported that bulldozers belonging to the Jerusalem Municipality had demolished seven houses during the previous week in various parts of Jerusalem on the grounds that their owners had not obtained a building licence. All the houses were in area C, which is under the control of the Israeli forces. There are 45 additional houses slated for demolition. (The Jerusalem Times, 8 August)

278. On 13 August, under heavy police and border police guard, the Jerusalem Municipality and the Civil Administration demolished 10 "illegally" built Palestinian homes in the Shu'fat refugee camp and in the Bethlehem area. An eleventh home in Shu'fat was spared by Jerusalem Mayor Ehud Olmert because it belonged to the family of a Palestinian boy who had been badly wounded during the Mahaneh Yehuda bombing. Five of the homes that were demolished were on the outer border of the Shu'fat refugee camp, near the wadi that overlooks houses

currently under construction in the Pisgat Ze'ev settlement. One of the houses reportedly belonged to a mother of eight children, one of whom was very ill. Dates for hearings concerning housing applications had been set for the homes. Dozens of youths threw stones at the border policemen during the demolitions, slightly injuring one policeman. The Shu'fat refugee camp, which is under the administrative control of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is said to be one of the most run down camps outside Jerusalem, with the Jerusalem Municipality not investing anything in its infrastructure and not even collecting garbage. Four other Palestinian homes were demolished in Furdeis and Husan, near Bethlehem. In a related development, six demolition orders were issued against houses in the village of Nahalin, west of Bethlehem. A total of 32 Palestinian homes had reportedly been destroyed during the previous week. (Ha'aretz, Jerusalem Post, 14 August)

279. On 14 August, the Civil Administration partly demolished five Palestinian homes in the West Bank that it claimed had been built illegally. Witnesses reported that bulldozers under army guard had levelled five annexes to homes in a compound owned by one extended family in the village of Nebi Samwil near Jerusalem. The spokesman for the Civil Administration, Peter Lerner, stated that another house had been demolished in Bir Naballah, near Ramallah. (Jerusalem Post, 15 August)

280. On 14 August, the Israeli authorities demolished five houses in Shu'fat and another four on the outskirts of Bethlehem. Municipal inspectors explained that the houses had been built without a licence. (The Jerusalem Times, 15 August)

281. On 16 August, Palestinian officials condemned the wave of demolitions of Arab-owned houses in East Jerusalem and the West Bank as a violation of the Oslo Accords. Ahmad Korei, Speaker of the Palestinian Legislative Council, urged a halt to the demolitions, which he said caused excessive humanitarian suffering to Palestinians. (Jerusalem Post, 17 August)

282. On 18 August, the Civil Administration demolished four "illegally" built structures and annexes in the Hebron area. The Civil Administration's spokesman stated that the Palestinian-owned structures included an "illegal" annex built on the outskirts of Hebron and a two-storey building in Bani Naim. The two other dwellings were located in the villages of Beit Ummar and Sair. The Palestinian landlord in Bani Naim stated that the Civil Administration had notified him of the demolition when the bulldozers had already arrived at the site. (Ha'aretz, Jerusalem Post, 19 August)

283. On 25 August, the Civil Administration demolished four Palestinian homes in the West Bank that it stated had been built illegally. Two of the homes were located in Za'ayim, near the Mount of Olives, and the two others in the village of Nahalin, near Bethlehem. In Nahalin, Palestinians threw stones at IDF troops sent to guard the bulldozers that had demolished the Palestinian homes. (Jerusalem Post, 26 August)

284. On 27 August, under heavy border police and police guard, the Jerusalem Municipality demolished three Palestinian homes that had been built without a permit in the Silwan neighbourhood in East Jerusalem. Since the Mahaneh Yehuda

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suicide bombing, 37 Palestinian homes had reportedly been demolished within Jerusalem's municipal boundaries and in the surrounding villages. The latest demolitions raised to 60 the number of homeless Palestinian families who had moved to an encampment in the Sawana neighbourhood. Some 130 additional families had also asked to join the encampment. (Ha'aretz, 28 August)

285. On 28 August, the Civil Administration destroyed six Palestinian homes in the Jordan Valley area of the West Bank: five in the village of Beit Dajan and another in Jiftliq, on the grounds that they had been built without permits. Palestinians also charged that bulldozers had razed six tents, 17 sheds and one brick home on a site that had been home to 54 farm labourers since 1955. Eyewitnesses stated that IDF soldiers had arrested one Palestinian when he tried to block bulldozers from demolishing his shelter. (Jerusalem Post, 29 August)

286. On 29 August, it was reported that some 40 houses had been demolished in East Jerusalem since 30 July 1997 on the grounds that the homeowners had failed to obtain building licences. (The Jerusalem Times, 29 August)

(ii) Imposition of curfews, sealing off or closing of areas

Written information

287. On 3 May 1997, Israel lifted the siege imposed on the town of Sourif since 21 March. (The Jerusalem Times, 9 May)

288. On 11 May, the IDF imposed a closure on the West Bank and Gaza Strip, barring all Palestinians from entering Israel. The closure, which was imposed on the eve of Remembrance Day, remained in effect until 4 a.m. on 13 May. The IDF spokesman announced that only in life threatening and emergency situations would Palestinians and ambulances from the territories be allowed into Israel. Palestinians holding Class 1 VIP passes, diplomats and non-Palestinian holders of foreign passports were not subjected to the closure. (Jerusalem Post, 11 May; Ha'aretz, 13 May)

289. On 13 June, the IDF placed the Arab villages of Bidu, Katana and Kubeiba under curfew following a "terrorist" attack in the area in which an Israeli woman had been slightly wounded. The curfew was lifted the following day. (Ha'aretz, Jerusalem Post, 15 June)

290. On 5 July, the IDF declared Hebron a closed military zone following violent clashes in which some 40 Palestinians were injured by IDF gunfire. (Ha'aretz, 6 July)

291. On 10 July, the IDF opened the closed military zone between the Alon and Horon junctions outside Nablus. (Jerusalem Post, 11 July)

292. On 14 July, the closure imposed on Hebron more than a week before in the wake of violent clashes in the town remained in force. (Ha'aretz, 14 July)

293. On 16 July, the IDF declared West Bank cities a closed military zone for security reasons. (Ha'aretz, 17 July; Jerusalem Post, 18 July)

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294. On 18 July, it was reported that the Israeli authorities had decided to lift the siege imposed on Hebron two weeks earlier. (The Jerusalem Times, 18 July)

295. On 30 July, in the wake of a double suicide bombing in Jerusalem that killed 15 people and injured up to 172, the IDF sealed off the West Bank and Gaza Strip and confined all Palestinians to their towns and villages, also barring them from entering Jewish settlements or the industrial zones along the Green Line. All Palestinians working in Israel or who otherwise formed themselves there were ordered to return to their homes by 11 p.m. (Ha'aretz, Jerusalem Post, 31 July)

296. On 3 August, it was reported that both the general closure imposed on the occupied territories and the internal closure imposed on Palestinian towns in the wake of the Mahaneh Yehuda suicide bombing attack continued in force. (Ha'aretz, 3 August)

297. On 8 August, the IDF lifted the internal closures imposed on Jericho and Nablus. The Allenby (King Hussein) Bridge was also reopened to pedestrians. However, Palestinians in the West Bank and Gaza Strip were still barred from crossing into Israel. (Jerusalem Post, 10 August)

298. On 14 August, the IDF lifted the internal closure imposed on Ramallah and Hebron, leaving only Bethlehem sealed off. The choice to keep Bethlehem closed was due in part to the discovery of a bomb factory in nearby Beit Sahur a few weeks earlier, as well as the town's proximity to Jerusalem. In another development, the IDF reopened a checkpoint in Gaza for the export of goods. (Jerusalem Post, 15 August)

299. On 19 and 24 August, it was reported that the internal closure imposed on the Bethlehem area and on Beit Sahur in the wake of the 30 July suicide bombing attack in Jerusalem was still in force. (Ha'aretz, 19 August; Jerusalem Post, 24 August)

300. On 27 August, the IDF lifted the 28-day closure it had imposed on Bethlehem since 30 July, allowing Palestinians to travel in and out of the city. However, the general ban on entering Israel remained in effect. Israeli checkpoints were not removed and freedom of movement was not restored. (Ha'aretz, Jerusalem Post, 28 August; also referred to in The Jerusalem Times, 29 August)

(iii) Other forms of collective punishment

Written information

301. On 2 July 1997, the Israeli security authorities threatened to take punitive measures against Hebron should disturbances continue there. Sanctions would include banning Palestinian workers from entering Israel, sealing off alleys, taking measures against merchants and ceasing cooperation with the Palestinian Authority. OC IDF troops in Hebron, Col. Gadi Shmani, made it clear that the sealing off of an alley in the town on 1 July "was but a dim signal for the Palestinians that life in Hebron could be different". (Ha'aretz, 3 July)

302. On 10 July, OC Central Command Maj.-Gen. Uzi Dayan ordered the closure of Palestinian stores opposite Beit Hadassah in Hebron following an incident in which shots were fired at the building. In addition, an IDF outpost was set up on the site. (Ha'aretz, Jerusalem Post, 11 July)

303. On 11 and 12 July, the IDF ordered merchants in the casbah and on Shallalah Road in Hebron to close their shops following clashes between IDF troops and Palestinians. Soldiers reportedly detained several merchants who refused to comply. (Jerusalem Post, 13 July)

304. On 29 July, the IDF allowed Palestinian stores to reopen along Hebron's Shallalah Road after Palestinians promised to maintain calm in the area and to prevent explosives from being thrown at Israeli security forces. (Jerusalem Post, 30 July)

305. On 13 July, a senior military source in the Central Command reported that the IDF had decided to take a series of steps in order to make things more difficult for Hebron's Palestinian population, including special measures such as new undercover operations. (Ha'aretz, 14 July)

306. On 31 July, one day after the suicide bomb attack in Jerusalem, Israel froze the transfer of NIS 70 million that it owed to the Palestinian Authority for the month of July. Finance Minister Ya'acov Ne'eman stated that Israel was delaying the transfer of the funds until the Palestinian Authority fulfilled its commitments to fight "terrorism". Under the Paris Accords, which were approved by the Israeli Government and the Palestinian Authority, Israel was to collect taxes on behalf of the Palestinians and to remit them to the Authority within six days. The Accords were not subjected to any preconditions and did not leave Israel any discretion on the issue. According to a senior Israeli source, the financial transfers were said to amount to NIS 110-120 million a month, or 60 per cent of the Palestinian Authority's revenue. (Ha'aretz, 5 August)

307. On 6 August, Finance Minister Ya'acov Ne'eman notified his Palestinian counterpart that Israel had no intention of returning the money owed to the Palestinians. Following the Mahaneh Yehuda attack in Jerusalem, the Israeli Cabinet had decided to suspend the payment of the more than NIS 70 million Israel owed the Palestinian Authority. Following the decision, the Palestinian Finance Minister appealed to Mr. Ne'eman, demanding that Israel remit the payments immediately. Mr. Ne'eman notified the Palestinian Finance Minister that the Palestinian Authority had violated its commitments to Israel by not preventing acts of "terrorism" and he underlined that as long as the violations were not rectified, Israel would not transfer the funds it owed the Authority. (Ha'aretz, 7 August)

308. On 18 August, it was reported that the amount of the payments Israel had not remitted to the Palestinians since the 30 July Mahaneh Yehuda suicide bomb attack had reached NIS 135 million at the beginning of the week. The funds were to be deposited in Israeli banks without indexation or interest and that their value was therefore diminishing. As a result of the suspension of payments, the Palestinian Authority had to apply for bank loans in order to pay salaries. (Ha'aretz, 13 August)

309. On 21 August, Palestinian Authority Chairman Arafat charged that the sanctions imposed by Israel since the July suicide bombing in Jerusalem were meant to starve and humiliate the Palestinian people. Mr. Arafat cited the freezing of funds owed by Israel to the Palestinian Authority, denying workers access to their places of employments and barring staple goods from reaching the Gaza Strip. (Jerusalem Post, 22 August)

(c) Expulsions

310. No information available.

(d) Economic and social situation

Oral evidence

311. The Special Committee received the following information regarding economic growth and unemployment in the occupied territories:

> "The estimates available to us indicate that the Palestinian gross national product has gone down by 20 per cent between 1993 and the end of 1996, whereas the World Bank had estimated that the Palestinian economy would grow by 4 per cent after Oslo. The information available to us consists of estimates. The estimates also indicate that the rate of unemployment is between 40 per cent and 45 per cent in the West Bank and in the Gaza Strip.
>
> "Our estimate, in the Palestinian Association of Economists, is that the GNP went down by 20 per cent. The World Bank has estimates indicating a decrease of 24 per cent. The difference is the result of differences between the estimates. Unfortunately, we do not have official government statistics so far about all these indicators." (Anonymous witness no. 22, A/AC.145/RT.721)

312. The representative of the Palestinian Centre for Human Rights informed the Special Committee about the consequences of closure for the economy of the occupied Palestinian territories:

> "The restrictions imposed on Palestinian exports and imports have led to enormous losses to the Palestinian economy during the past year.
>
> "The losses suffered by the Palestinian economy during the period from 1992 to 1996 have reached $6 billion. This is a high figure indeed and it has a very negative impact on our attempts to build the Palestinian economy. The Office estimates that the financial assistance given by donor countries to the Palestinian Authority during the period from 1993 to 1996 amounts to $2.18 billion.
>
> "This actually means that the assistance given by donor countries to the Palestinian Authority for the benefit of the Palestinian people in order to develop the infrastructure, destroyed after 27 years of occupation, can hardly cover one third of the losses resulting from the closure, whereas those resources were supposed to be used for development

projects that would make the Palestinian citizens feel that peace is useful and that the fruit of peace can really be felt by the population. In other words, the resources given by all donor countries are not enough to compensate the Palestinian people for the economic losses they are sustaining as a result of the closures." (Mr. Hamdi Shakoura, witness no. 10, A/AC.145/RT.717/Add.1)

313. A witness from Jerusalem described to the Special Committee the effects of closure regarding the economy of that City:

"This closure causes difficulties for the Palestinians in many ways. For one, it affects the economy of the Palestinian population in Jerusalem. It affects trade because trade in East Jerusalem depended on the City itself, but also on the towns surrounding Jerusalem, such as Eizariya, Abu Dis, Bethlehem and Ramallah. With the closure of Jerusalem, all the shops and the economy in general in Jerusalem suffered. The situation deteriorated to a great extent and many merchants had to close down their shops, or had to move to outside Jerusalem - which was certainly intended by the Israelis.

"There are no security reasons for the closure, the purpose indeed is to force the Palestinians in Jerusalem to leave Jerusalem and to live outside Jerusalem." (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

314. A witness from the West Bank gave the following response when asked about the general economic situation in the occupied territories:

"We rely on God very much, but things are not too well over there." (Anonymous witness no. 18, A/AC.145/RT.721)

315. The representative of the Democracy and Workers' Rights Centre informed the Special Committee about the situation of Palestinian workers employed in Israel:

"Until 29 March 1993, the total number of Palestinian workers in Israel amounted to 200,000; 120,000 of them were working legally in Israel through the Israeli employment offices and 80,000 workers were working through the black market.

"The number of individuals who depend for their livelihood on the income of these workers is estimated at one million Palestinians, considering the fact that an average Palestinian family has five members." (Mr. Hassan Barghouti, witness no. 28, A/AC.145/RT.722)

He described the situation concerning the wages and benefits regarding Palestinian workers:

"One hundred percent of the workers in the construction sector inside Israel, who constitute about 70 per cent of the total number of workers in Israel, do not receive the minimum wages and are not paid for official holidays and annual leave.

> "The Israeli law stipulates that income tax is to be deducted from the salary of the worker. To fix the amount of income tax for the whole year, a review is made of the total deductions to be made from the worker's salary, according to whether the worker has worked for 12 consecutive months, his social status, whether he has children, how many, et cetera. At the end the tax authorities refund to the worker any money that was paid in excess. If more than five years elapse after the presentation of such information, the worker will lose his right to a refund. We were able to obtain the reimbursement of taxation for workers with Jerusalem residency. But so far the income tax authorities have refused to actually refund any amount of money. Refunds should have been paid to more than 200,000 Palestinian workers over the past five years.
>
> "Thirty million dollars. We are now struggling legally to have it returned to the workers. In our estimation, we are talking about 200,000 workers and this is an accumulated number for those who worked for the past five years. Why five years? Because we are allowed to request refunds for a period of five years and not before.
>
> "And that is why they send our lawyers from department to department, from office to office. All the time, the answer is that they are not going to return one penny to the workers from the West Bank and the Gaza Strip, because this is just a law for the Israelis." (Ibid.)

316. The representative of the Democracy and Workers' Rights Centre also described the discrepancy in the numbers of Palestinian workers allowed to work in Israel:

> "According to the Israeli statistics, there are 50,000 Palestinian workers in Israel. According to our statistics, there are 32,000 Palestinians from Gaza and the West Bank working in Israel now. Why is there a difference between the two numbers? The Labour Office people base their statistics on the number of permits issued, but at the checkpoints the soldiers confiscate permits from the workers and turn them back.
>
> "There are about 17,000 workers from the West Bank and the rest from Gaza. Of the 32,000 workers, not all of them work inside Israel, around 4,000 people work in the settlements, like the industrial zone in Erez, or Mishor Adumim, very close to Jericho, or Maaleh Adumim, Maaleh Ephraim." (Ibid.)

317. A witness described the effects on the income and job stability of workers of the closures imposed on the occupied territories:

> "I do not get paid for the days I am absent. From 13 February to 15 April 1996, because of the closures I was unable to go to work. That accounts for two months of the days I have lost the salary for. I was particularly lucky because I was only affected for a period of two months, but there were people who were affected for periods longer than two continuous months.

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> "Generally speaking, many labourers have lost their position because of their repeated absences. Many employers have turned to utilizing people coming from either Eastern European countries, from South Asian countries or, recently, from Africa. So, the general situation is that many people have lost their jobs.
>
> "In August, after the assassination of President Rabin, the Israelis prohibited Palestinian workers from spending the night in Israel." (Anonymous witness no. 3, A/AC.145/RT.715)

318. However, the witness also pointed to some positive cases:

> "So the general situation is that many people have lost their jobs. But also many employers have preferred to put up with this situation and the absences of workers, either because they consider their Palestinian workers particularly skilled workers whom they would like to retain even if they are irregularly at their place of work, or perhaps they have developed some sort of a personal relationship, a relation of trust, a relation of cooperation that they would like to maintain, so the employers do put up with the absences." (Ibid.)

319. The Special Committee was informed about the way in which the recent Israeli policy concerning the residency rights of Arab Jerusalemites affected many aspects of their lives, such as that of family reunification:

> "Related to the problem of the right to residency and its restriction is the problem of family reunification. Family reunification has become more and more difficult and tight since 1993, the beginning of the military closure of Jerusalem. On 31 March 1993, the Israelis declared a military closure of Jerusalem and it is a military siege of the population as well. It forbids free access to Jerusalem.
>
> "There are intermarriages between Palestinians from Bethlehem, which is only five minutes from Jerusalem, Palestinians from Ramallah, which is also five minutes from Jerusalem, and Palestinians from Jerusalem. According to Israeli policy, these people are not allowed to live together unless they obtain 'family reunification', as if they were from two different countries! It is extremely difficult to obtain, there are many bureaucratic obstacles and, in fact, the Israelis do not let these people live together." (Mr. Muhammad Jaradat, witness no. 7, A/AC.145/RT.716)

320. The representative of the Palestinian Centre for Human Rights spoke about the ordeal of cancer patients trying to leave the occupied territories for treatment:

> "I know of cases where patients have been trying to seek treatment in Jordan. We are speaking here of a distance between the Gaza Strip and Jordan across Israeli territory that would take one hour to one hour and a half by car. These patients are obliged to go to Egypt first and then to fly to Jordan. These are all patients in serious condition. Some of them are suffering from cancer. Cancer patients are deprived of the possibility

> of passing through Israeli territory in order to reach a hospital in Jordan or of going to an Israeli hospital." (Ibid.)

321. In addition, the witness briefed the Special Committee about the consequences of the closure for Palestinian workers employed in Israel:

> "During the years of occupation, the Israelis have destroyed the infrastructure of the Palestinian economy and they have turned the Palestinian territory into a market for Israeli products on the one hand and a source of cheap manpower on the other. They have steadily pursued these objectives during the occupation so that, to date, there is a complete dependence on the Israeli labour market for tens of thousands of Palestinian workers.
>
> "When there is a total closure, Palestinian workers are prevented from going to their place of work in Israel. On the other hand, the number of Palestinian workers from the Gaza Strip working in Israel has considerably dropped during the past six years, from about 120,000 to about 20,000 or 22,000 persons only. That means that over 70,000 persons who used to work in Israel are now either unemployed or they have to be absorbed by the institutions of the Palestinian Authority." (Ibid.)

322. A fruit and vegetable merchant from the West Bank described the difficulties engendered by back-to-back transportation requirements introduced by the Israeli authorities and the delays at crossing points:

> "We import vegetables from Gaza. In the past, we used to go out with our lorries to the farmers and we would load the vegetables directly and we went back and sold the vegetables. Now, each box of vegetables costs us about $1. This is an extra expense. The Israeli authorities oblige us to get the truck from the farmer and they charge for the crossing point. Then, we have to load the vegetables on Israeli trucks. We bring them to Bethlehem and we have to pay the costs of transport. Sometimes, the trucks are delayed for a day or two at the crossing point. Because of this, the vegetables go bad and we can no longer sell them.
>
> "We bring the merchandise from Gaza and then we transfer the vegetables from the Gazan truck to the Israeli truck. In the past, we used to get the vegetables directly from the farmers and we loaded them directly onto our own trucks. We used to bring the vegetables already loaded on our own trucks. Now, with loading and unloading, it leads to additional costs, plus the fact that the vegetables might go bad. This can cause losses." (Anonymous witness no. 18, A/AC.145/RT.721)

323. The situation is further compounded by the banking requirements imposed by Israeli merchants:

> "However, the problem is that the Israeli merchants we buy agricultural goods from refuse to be paid with cheques drawn on Palestinian banks. That is why we were obliged to open an account in an Israeli bank. Most Palestinian merchants dealing with Israeli firms and companies are likewise obliged to open accounts in Israeli banks, because the Israeli

> merchants, the Israeli exporters and importers impose this condition." (Mr. Samir Nazmi, witness no. 27, A/AC.145/RT.722)

324. The Committee was informed about how the Israeli authorities did not hesitate to proclaim areas of Arab-owned farmland as closed military zones when their produce competed with that on the Israeli market:

> "In the north of the valley, in a region called Jeftlik, 3,000 dunums of agricultural land produce 70 per cent of the total production of vegetables in the West Bank. In August 1996, we issued loans for 25 farmers of that area. In January 1997, 18 of them were notified that their cultivation zone was to be closed for military purposes, without any further explanation. This area is actually on the border with Jordan, but there are no military movements and no problems there. When we inquired, we gathered that this was taking place in the middle of the harvest season. We learned later on that the purpose of such a measure was an Israeli attempt to reduce the Palestinian production of vegetables for 1997, because there is a surplus of vegetables in Israel and Israel would obviously like to export its surplus to the Palestinian market." (Ibid.)

325. The Special Committee was informed of a more subtle method used by the Israeli authorities to hamper the export of Palestinian produce to foreign markets:

> "Some of the farmers exported their produce through a semi-official Israeli company called Agrexco, which exported the goods under its own name to the European market. The produce of the Palestinian farmers who used the Agrexco channel did reach the European market. Others, encouraged by the Palestinian Authority, exported their produce through private Palestinian export companies and not through Agrexco. It was discovered that those exports never reached Europe, because they went bad after they were subjected to security checks and examinations. First, they had to go through the Gaza/Israeli borders to storage and packing houses, where the security and sanitary checks took place, lasting for a number of days. Of course, this led to the spoiling of the agricultural produce." (Ibid.)

326. A witness described the effects of the closure on the social fabric of the occupied territories:

> "In my village, a very high percentage of the young men cannot get married because they do not have money in order to marry or to build a house to live in. Young men of 30 or 35 years of age simply do not have the money to build a house or to get married." (Anonymous witness no. 22, A/AC.145/RT.721)

327. A witness from the West Bank described the economic situation in the occupied territories, in particular with regard to agriculture, and its consequences for health:

> "The economic conditions of the population have deteriorated because of the two closures during the period under consideration, particularly as one of the closures took place during the harvest period and much of the

> agricultural produce was spoiled. As a result of the losses, it was then difficult for the people to pay the costs of medical care, even if the price of such medical services is insignificant.
>
> "As regards the improvement that might have taken place in the performance of the Palestinian health machinery, I believe that the improvement has been very small, for numerous reasons, like the permanent deterioration of the economic situation in Palestine." (Mr. Rishmawi, witness no. 26, A/AC.145/RT.722)

328. Accounts of the economic and social situation prevailing in the occupied territories may be found in documents A/AC.145/RT.715 (anonymous witness), A/AC.145/RT.716 (Mr. Muhammad Jaradat), A/AC.145/RT.717/Add.1 (Mr. Hamdi Shakoura), A/AC.145/RT.720 (Mr. Ahmad Rwaidy), A/AC.145/RT.721 (anonymous witnesses), A/AC.145/RT.722 (Mr. Rishmawi, Mr. Samir Nazmi and Mr. Hassan Barghouti).

Written information

329. On 6 June 1997, it was reported that tap water was a rare commodity for the 100,000 Palestinian residents of the Bethlehem area. By contrast, settlements in the area such as Efrat, Elazar, Neve Daniel and Teqo'a were covered with lush greenery and most had swimming pools. In addition, they had running water 24 hours a day. The situation of Palestinians in the Hebron area was not better than in the Bethlehem area. Some Palestinian homes had had no water supply for four months. A number of families complained of not having water for one or two months. One family claimed that it had not had any water for five years. Another family had given up on being linked to the water supply system, which, it claimed, produced mainly air and inflated bills. Another family had been promised to receive water again in October. Tap water, a gratuitous thing for every Israeli on both sides of the Green Line, remained elusive here. The well-off buy pumps, generators, water tanks and containers. The poor send their wives and children long distances on foot or on a donkey to fetch water from the canal at Solomon's Pools or the well in Artis. Solomon's Pool had dried up a long time ago but a narrow canal still funnelled water from a nearby spring and numerous Palestinians converged there every day to fill their containers and quench their thirst. At the height of summer in a month or one and a half months, this water source would also dry up. According to figures published in 1995, Palestinians consume an average of 35 cubic metres of water a year. Their neighbours, the settlers, consume 106 cubic metres a year. Some Palestinians receive only a little more than five cubic metres. The Palestinians pay approximately twice as much as settlers for the same water. MK Alex Luvotski from the Efrat settlement was reportedly surprised when presented with the figures. He stated that he did not know that there was a water shortage in the area, indicating that there was no water problem in his settlement. He stated that there were no swimming pools in Efrat, not because of water shortages, but because residents had still not resolved the question of mixed swimming. (Ha'aretz, 6 June)

330. On 10 June, the Palestinian Authority Minister of Health, Dr. Ri'ad Za'anun, told a press conference that a large-scale outbreak of meningitis (an inflammation of the membrane of the brain and of spinal cord) had

affected 350 children, most of whom were aged under eight, since the beginning of June. Dr. Za'anun stated that the disease was caused by a virus, possibly to be found in the water system, and that there was no way to immunize children against it. He refrained from calling it an epidemic although the number of new cases reported daily had reached 68 in the Gaza Strip's two major cities of Khan Younis and Gaza City. He indicated, however, that the outbreak had stretched the hospital accommodation capacities to their limits, compelling doctors to send home all but the most severe cases after a small improvement was noted in their condition. According to Dr. Rabah Mohanna, Director of the Palestinian Union of Health Committees, a local network of non-governmental clinics, the harsh environmental conditions in Gaza, including its high population density, the open sewage system and the garbage were the main reasons for the spread of the disease. (Ha'aretz, Jerusalem Post, 12 June)

331. On 13 June, it was reported that the Israeli Attorney-General's office had issued instructions allowing for a 45-day reprieve during which Palestinian Jerusalemites threatened with the withdrawal of their identity cards could contest the case raised against them by the Ministry of the Interior. (The Jerusalem Times, 13 June)

332. On 25 June, the Palestinian Authority Minister of Labour, Dr. Samir Ghosheh, told a press conference in Ramallah that the unemployment rate in the areas under the control of the Palestinian Authority stood at 29 per cent even during the days of "normal" closure when supervised movement of labourers and merchandise was allowed. Dr. Ghosheh stated that Israel's closure policy, which was against the Oslo Accords and limited both the number of exit permits and the quantity of merchandise exported, not only gave rise to such a high unemployment rate but also prevented the Palestinian Authority from developing other employment sources and encouraging investment. According to Dr. Ghosheh, when Israel imposed a hermetic closure, unemployment sometimes reached 60 per cent. He accused Israel of adopting a deliberate policy of siege of the Palestinian economy and warned of social upheaval by desperate and destitute men not only against Israel but also against the Palestinian Authority. According to the Palestinian Authority Ministry of Labour figures, 55,000 Palestinians currently worked in Israel, in the settlements and in Israeli industrial zones in the territories. In May, 24,000 Palestinian workers came from the Gaza Strip and 22,000 from the West Bank; 7,200 worked in settlements in the West Bank and 2,500 in the Erez industrial zone. (Ha'aretz, 26 June)

333. On 25 June, Palestinian merchants in East Jerusalem declared a commercial strike to protest against a tax collection campaign by the Jerusalem Municipality. The strike came after municipal officials raided shops in East Jerusalem and confiscated goods. Faisal Husseini, the Palestinian Authority Minister for Jerusalem Affairs, several dozen Fatah activists as well as merchants staged a protest against the measure. The Jerusalem police arrested three Palestinians on charges of attacking tax officials and security guards and filed a complaint against Mr. Husseini for assault. Mr. Husseini dismissed the charges against him as baseless. It was reported that for approximately three years, West Bank residents had been unable to shop in East Jerusalem because of the closure policy and merchants complained of a sharp decline in sales. (Ha'aretz, 26 June)

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334. On 29 June, Palestinian merchants in East Jerusalem observed a day-long commercial strike and staged a demonstration outside the Damascus Gate in order to protest against what they considered unfair Israeli taxation policy. The shopkeepers demanded that the Municipality cancel the NIS 1 billion debt it claimed was owed by Arab merchants in back taxes. The merchants claimed that the government policies, including the closure of the West Bank and the Israeli military presence in the Old City, had reduced their revenues and scared customers away, making it impossible for them to pay their debts. The storekeepers also charged that the Municipality did not funnel the taxes back into Arab neighbourhoods, where sewage and roads were in poor condition. One merchant who had run a shop in the Old City for 32 years blamed the Netanyahu Government and Jerusalem Mayor Ehud Olmert for the current crisis. He claimed that IDF soldiers had prevented customers from visiting his store, which is located near the heavily guarded home of National Infrastructure Minister Ariel Sharon. He indicated that this had ruined his business, making it impossible for him to pay his NIS 15,000 tax debt. As a result, government officials raided his shop five times over the past two years and confiscated various goods in lieu of tax payments. Jerusalem Mayor Ehud Olmert dismissed the merchants' protests as attempts by the Palestinian Authority to undermine Israeli rule in the City and vowed to enforce the payment of the taxes. Palestinians warned, however, that demonstrations would continue if Israel insisted on the levying of taxes. (Jerusalem Post, 30 June)

335. On 2 July, Israeli officials, dressed both in civilian clothes and military uniforms, cracked down on merchants in the Salaheddin and Zahra Streets, seizing clothing and video equipment on instructions of the Mayor of Jerusalem, Ehud Olmert. Olmert declared the day before that he intended to collect the municipal taxes owed by the merchants within days. (The Jerusalem Times, 4 July)

336. On 17 July, it was reported that according to a public opinion poll conducted by the Jerusalem Communications Centre among 1,197 Palestinians from the Gaza Strip and the West Bank on 3 and 4 July, only 8.2 per cent of the Palestinian residents of the territories unequivocally backed the Oslo Accords, as opposed to 19.7 per cent in December 1996. The percentage of those opposing the Accords increased to 30.4 per cent, as opposed to 19.2 per cent in December. Nevertheless, 54.2 per cent expressed "cautious support" for the agreements. (Ha'aretz, 17 July)

337. On 26 July, the Head of the Palestinian Central Bureau of Statistics, Hassan Abu Libdeh, stated that unemployment among Palestinians stood at 18.9 per cent in the second quarter of 1997, down from 19.5 per cent in February and March 1997. Mr. Libdeh pointed out, however, that despite the slight decline, the unemployment rate in the territories was still one of the highest in the world. Giving figures for the main Palestinian regions, Mr. Libdeh indicated that the unemployment rate in the West Bank stood at 15.6 per cent in the second quarter of 1997, down from 17.7 per cent in the previous two months. Unemployment in the Gaza Strip rose to 26.3 per cent as compared with 24.1 per cent during the previous two months. Mr. Libdeh stated that the productive labour force made up 40.9 per cent of the 2.64 million population of the Gaza Strip and the West Bank, including Jerusalem, and that 16.6 per cent of

the productive labour force worked in Israel during the second quarter of 1997, as compared with 18.6 per cent in February and March. (Jerusalem Post, 27 July)

338. On 4 August, human rights organizations reported that the current closure was far stricter than the previous closures imposed on the occupied territories, preventing not only the entry of Palestinian workers into Israel, but also preventing thousands of villagers from reaching their workplaces in Palestinian towns. B'tselem reported that the Allenby (King Hussein) Bridge crossing into Jordan and the Rafah crossing into Egypt had been closed in both directions for the first time since the first wave of suicide bombings in 1996, preventing Palestinians not only from leaving but also from returning to the West Bank and Gaza from Jordan and Egypt. Many factories in the West Bank were reportedly functioning with a lower output than usual, since workers could not reach them. In Ramallah, where many shops were closed completely, often only the owners were at work. Demonstrating its commitment to sealing off the territories completely, the IDF made a road leading to an area inhabited by a community of 30 families near Beit Iksa, north-west of Jerusalem, impassable by digging a trench several metres deep. For many Palestinians, the Israeli Government's decision to withhold taxes owed to the Palestinian Authority because of the suicide bomb attack in Jerusalem had further reinforced the perception that the closure itself was intended as collective punishment and was not imposed for security reasons. The Palestinian Society for the Protection of Human Rights and the Environment maintained that the confiscated taxes accounted for 60 per cent of the Palestinian Authority's budget. The Palestinian Authority Minister of Health issued a statement in Gaza claiming that 10,000 pregnant women risked death and that 36 babies had been stillborn because of delays at security checkpoints during the lengthy closure imposed after the suicide bombings in 1996. He also claimed that a shortage of medicines was preventing the vaccination of children against fatal diseases, a charge denied by the office of the Coordinator of the Government's Activities in the Territories, which stated that many of the humanitarian claims were baseless and that supplies of all sorts were entering Gaza through the Erez checkpoint. (Jerusalem Post, 5 August)

339. On 11 August, farmers in Gaza warned through the Palestinian Authority Ministry of Agriculture that the amount of food for livestock in the Gaza Strip would last for only another week. Because of the total closure imposed on Gaza, it was impossible to import animal feed such as seeds and fodder. Palestinians stated that the continuation of the closure would oblige them to slaughter thousands of cows, goats, sheep and chickens. (Ha'aretz, 12 August)

340. On 18 August, the Secretary-General of the Islamic Jihad, Ramadan Shallah, told the London-based daily Al-Hayat that Israel wanted to spark off Palestinian civil war by insisting that Palestinian leaders clamp down on "terrorism" and suggested that Palestinian Authority Chairman Arafat leave Gaza since he had failed to bring peace or establish a Palestinian State. (Jerusalem Post, 19 August)

341. On 19 August, several dozen homeless Palestinian families set up a protest encampment in the East Jerusalem neighbourhood of Sawana. The families in the camp were threatened with confiscation of their Jerusalem residency permits because they had moved to live outside the municipal boundaries owing to a

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housing shortage in the City. The families explained that they had been obliged to leave the City because of the policy of the Jerusalem Municipality and the Israeli Government, which did not allow for Arab private or public construction in East Jerusalem. They announced that they would not leave the encampment until a solution to their plight was found. (Ha'aretz, Jerusalem Post, 20 August)

342. On 22 August, it was reported that Israel had decided to transfer part of the funds it owed to the Palestinian Authority. The $12 million represented VAT rebates on imports and purchases from Israel as well as income tax returns deducted from the wages of Palestinian labourers working in Israel. The funds had been placed on hold following the double suicide bombing at the Mahaneh Yehuda market in Jerusalem on 30 July. (The Jerusalem Times, 22 August)

343. On 24 August, Palestinian officials reported that the closure of Bethlehem was disastrous for tourism, the city's main source of income. Acting Mayor Dr. Hanna Nasser stated that the city's economy had been ruined completely, noting that the city was losing a quarter of a million dollars daily. (Jerusalem Post, 25 August)

344. On 26 August, the leader of the Meretz political party, Yossi Sarid, warned that the continued closure of the territories would inevitably lead to starvation among the Palestinians. (Jerusalem Post, 27 August)

345. On 28 August, it was reported that the Judea and Samaria (West Bank) Civil Administration had ordered the closure of the Islamic Association for Orphans in Bani Naim village for two months after material praising the suicide bombers responsible for the Jerusalem market attack in July had been found during searches there. Other material encouraging future "terrorist" attacks is also said to have been found in the same charitable organization. While the IDF closed down the five-room offices of the Islamic Association, its school for 250 orphans was allowed to remain open. The crackdown on Hamas and Islamic Jihad institutions was reportedly part of the ongoing Israeli war against "terrorist" organizations. (Jerusalem Post, 28 August)

346. On 28 August, Palestinians in Bethlehem remained gloomy despite the return of tourists to the city after a four-week closure, stating that Israeli guides brought pilgrims to Christian holy sites but kept their money in their pockets. One shopkeeper charged that 99 per cent of the tour guides were Israelis and that they had killed Palestinian business. He stated that the Israeli tour guides did not allow tourists to shop in Bethlehem and did not give them time to stroll around the town. One restaurant owner stated that his restaurant had cost him $500,000 but not even one tourist had come to buy a bottle of water since they were all taken away in order to punish the tourist industry in Bethlehem. (Jerusalem Post, 29 August)

347. On 29 August, the World Bank stated that Israel's closure of the West Bank and Gaza Strip had cost the Palestinian economy between $4 million to $6 million a day (the Palestinians estimated the daily losses in trade and income at $8 million) and threatened the 8 per cent growth rate initially projected for 1997. The World Bank stated further that Palestinian workers employed in Israel had lost $31.1 million in wages since the beginning of the closure following the

30 July bombing in Jerusalem. According to the Bank, the loss in trade amounted to $29.9 million, without taking into consideration other economic and social costs. (Jerusalem Post, 31 August)

348. On 29 August, a group of Israelis and Palestinians demonstrated in Hebron in order to protest against the demolition of Palestinian homes and the month-long closure imposed after the 30 July bombing in Jerusalem's Mahaneh Yehuda open market. (Jerusalem Post, 31 August)

(e) Situation of children

Oral evidence

349. During the period under review, the attention of the Special Committee was drawn in particular to and it received information of exceptional quality about the situation of children in the occupied territories. In particular, it received extensive information on the subject from the representatives of Save the Children UK, Save the Children International and the Save the Children Federation from the United States of America. Attention was drawn to the general situation of children in the occupied territories:

> "I would like to draw your attention to the situation of children in general in the occupied territories. Children are growing up with conflicts. We believe, in Save the Children, that children have a right to develop and achieve their potential, a right to live in an environment that allows them to do this and a right to a childhood.
>
> "All these three rights are threatened by the situation in the occupied territories. They are living in a situation where there are conflicts and violence in everyday life. The conflicts and violence spill over from the street into domestic violence into the household. And there has been a rise, certainly in the past 10 years, of domestic violence. It is only understandable when you think of the enormous pressures on parents and families with regard to the economic situation, with regard to their fear, the mistrust and the difficulties that everyone is living under. The rise in domestic violence is also of great concern to us in the organization.
>
> "Finally, it is, I think, important to say that if children are not given the opportunity to develop during their childhood, then this will have an impact on the future of the peace process as a whole. Children who in their childhood are brought up in a situation of violence and conflict will have mistrust for a peace process, will have mistrust for the adversary, will not be able to settle into a situation of coexistence." (Mrs. Frances Moore, witness no. 11, A/AC.145/RT.718)

350. The steady deterioration of the Palestinian economy, which is to a considerable extent the result of the closures imposed on the occupied territories by the Israeli authorities, has had a particularly adverse impact on children, especially regarding nutrition:

> "During the past two years, the economy of the Palestinian population has dropped by 30 per cent. Palestinian families who are anyway very vulnerable, families where there are disabled children, families who are very poor, families who have not had the advantages of education and who are living very much on the margin, are finding it incredibly difficult to cope with the present situation. The situation now is one in which these families are going into debt, where they have to borrow money in order to buy food for their children - increasing debt that they will not be able to pay back, a deteriorating situation of which they can see no end in sight.
>
> "Those families are buying less proteins, they are buying less meat, less eggs. Children are going to school on bread only. The nutritional state of those children is deteriorating." (Ibid.)

351. The representative of Save the Children International provided the Special Committee with greater insight into the situation:

> "Specifically, incomes have dropped in the period of their [the organization Terre des Hommes] survey by 32 per cent. The consumption of meat and eggs has dropped by 22 per cent and 30 per cent respectively. In their survey, the number of families borrowing money in order to buy food has doubled during the period. And perhaps more alarmingly than the number of families borrowing, the average debt per household has increased by 154 per cent. It is a very major increase.
>
> "What is most important is that they are borrowing the money in order to buy food and the increases in borrowing go hand in hand with decreases in the nutritional state of the children.
>
> "It is a spiralling problem. So we actually have very great concern as to how it is going to be in the future, as the situation is already bad now on the whole and especially for the vulnerable families. We are worried that what we are seeing now is the start of a more serious problem." (Mr. D. K. Seymour, witness no. 13, A/AC.145/RT.718)

352. The closures have also had very serious consequences regarding education, leading to a high incidence of child labour:

> "Linked to this is the fact that children have been taken out of school in order to work and help support their families. There are now children as young as 10 in the labour market. There are many children between the age of 10 and 16 who are working long hours to help support their family.
>
> "The economics situation spills over into education. If families cannot see any hope for the future, then there is very little relevance in education and, again, the poorest families are taking their children out of school. Children are going to work instead and there has been a decrease in the number of children attending school." (Mrs. Frances Moore, witness no. 11, A/AC.145/RT.718)

353. The representative of Save the Children International provided details about child labour:

> "These children work a minimum working day of eight hours. One child from their sample was working 14 hours a day, it is obviously at the extreme end. Others were working 12 to 13 hours a day. When asked why they were working, many of the children said they were working because of the economic hardship and they needed to help. Interesting to note: about half of the children said they thought that child labour should be outlawed." (Mr. D. K. Seymour, witness no. 13, A/AC.145/RT.718)
>
> "Education has been very badly affected by the closures. Teachers have not been able to get to school in some of the Palestinian urban centres and many schools have been closed, particularly during the September violence. Examinations have been postponed. As I say, the effect on the general support for education has been very bad. We are not talking about one year or two years. We are talking about a generation of children who have been affected by the closures, by the Israeli occupation and, since 1987, the intifada." (Mrs. Frances Moore, witness no. 11, A/AC.145/RT.718)

354. The Special Committee was alerted once again to the impact of the closures on the health of the children of the occupied territories:

> "There are many cases that have already been noted of children who have been stopped at roadblocks and have died because they have not been allowed through to hospital, children in ambulances where the ambulances have been prevented from travelling through, usually to Jerusalem, because it is in Jerusalem that the special services and specialist services for children are located.
>
> "Three babies have died at roadblocks because mothers, pregnant women have been prevented from travelling through to deliver their baby. This is obviously of special concern to Save the Children.
>
> "The primary health care programmes throughout the West Bank have been very badly affected, including things like immunization. It has been impossible to get the vaccine through to some of the areas and therefore the immunization schedules have not been kept." (Ibid.)

355. The representative of the Save the Children Federation underlined the effects of bad sanitation in the Gaza Strip:

> "As many of you may know, the incidence of water-borne diseases among children in Gaza, particularly in refugee camps, is very high. As much as 80 to 90 per cent of the children in some of the refugee camps in Gaza have some kind of water-borne diseases most of their lives."
> (Mrs. Annie Foster, witness no. 12, A/AC.145/RT.718)

356. The specificities of childhood make it imperative to focus attention persistently on the situation of children:

> "In conclusion, the situation of children is not just an aspect of the general situation but, we believe, is a separate and special case, which is both quantitatively and qualitatively different from the general public and the general community. For the following reasons: childhood has a limited duration and cannot be repeated. Opportunities that are missed during childhood to educate and assist children to reach their potential will never be regained and the impact on the population as a whole can and will last for three generations. What is happening to children today, this will last until well into the twenty-first century." (Mrs. Frances Moore, witness no. 11, A/AC.145/RT.718)

357. The Special Committee's attention was drawn by a lawyer who specializes in the defence of children to the very serious situation in which children who are arrested and child detainees find themselves in Israeli interrogation and detention facilities:

> "Immediately after entering the house, the people from Israeli Intelligence stay with the child, even when he or she is changing clothes and even when they say goodbye to their family. In front of the family, they are blindfolded and their hands tied behind their back. They are put in a military vehicle with a number of soldiers and brought to the interrogation centre.
>
> "For example, they would leave the child one day or two without interrogating him, but prevent him from sleeping. They frighten him by saying that his crime is very serious and that he might remain in prison for ever, and so on. They threaten him. They say that they will bring his sister, or his mother. I have an example of a case where the interrogation officers brought the mother of a child aged 15, a Bedouin from Ramallah, to the prison. When I visited this interrogation centre, I was asked by the child whether his mother was all right, because, as he said: 'I saw her, they brought her here!' Also, the child is prevented from seeing his parents or from meeting with a lawyer. The decision to prevent the child from seeing a lawyer is a decision taken by the Intelligence services and in written form.
>
> "In many instances, the child has the impression that he is with other Palestinian detainees and therefore starts talking to them. But, if he refuses to cooperate, they accuse him of being a collaborator, they put him in a corner, they keep asking him again and again. Sometimes, they beat the child and they burn the child! I have a case where the child had cigarette burns all over the body.
>
> "If the child keeps refusing to talk, he is sent back to the Intelligence officers, and then to the police, in order to answer questions. Based on his declarations, the child might then appear before a court. The police do not beat the child, but they frighten him in order to get a statement. If this statement differs from what was said to the Intelligence people, then the child is taken back to the Intelligence room, where he is beaten again.

> "First of all, the interrogation centre is in Israel and of course, with the problem of the closure, the lawyer is prevented from reaching the child and starting proceedings. Sometimes the child cannot distinguish between the interrogators and the judge. Sometimes the judge does not say to the child what it is all about, he does not explain to the child what his rights are, where he is." (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

358. The lawyer described the situation of children in the context of military courts:

> "In the West Bank, we have three military courts, one in Jenin, in the Israeli military camp, one in Ramallah, in the Beit El settlement, and the third one in Hebron, in the Majnami Israeli camp.
>
> "What happens in the military courts? It is a mixture actually, a mixture of laws prior to 1945, including the Jordanian penal code, and of military decrees. And there are hundreds of military decrees in the West Bank since 1967 and more than 1,000 applicable in the Gaza Strip. Military Order 132 is the only decree making a distinction between children and adults. It states that if the child is below the age of 14, he cannot be condemned to detention or imprisonment for more than six months, for a maximum penalty of five years. If the child is below the age of 16 at the time of the trial, he cannot be sentenced to more than one year if the maximum penalty is five years. The regulation is not in favour of the child as it considers the age of the child at the moment of trial, and not at the moment the fault or so-called fault is committed. According to military orders, the maximum penalty for throwing stones is 20 years.
>
> "Furthermore, the military court contravenes article 37 of the Convention on the Rights of the Child, which says that effective imprisonment should be the last resort. In the Israeli courts, it is the first thing that happens!
>
> "Regarding the role of the lawyer before the military court, I wish to mention the following (I am myself a lawyer and I have appeared before military courts for over 10 years): the margin is extremely narrow. Our role is very limited, more like a formality. Our role is limited to social issues, rarely to legal issues. In many instances, the judge would say: 'Instead of you talking about legal points, rather tell me how many brothers and sisters does the accused have? What does his father do? Why does he not apologize?', and other things like that." (Ibid.)

359. He described the conditions of detention of children, in particular with regard to food, medical care and visits from the lawyer and family:

> "As to food in prison, the detainees do not get sufficient nutrition in accordance with international norms. They are merely given enough food for them to survive. Families used to provide food for their detainees, but this has been restricted. Most food items have been prohibited. It was allowed for example to bring in 150 grammes of oil. This has been restricted.

> "A week ago, I tried to bring some fruit and vegetables to a prison. But the prison administration did not allow me to enter the prison. They refused!
>
> "International instruments say that there should always be a psychiatrist and a doctor available to children in prison. But the doctor in the prison is really a paramedic and, in his view, the only treatment is Akamol, a kind of aspirin, a painkiller. I have the story of a child in prison who had a toothache and was complaining to the doctor, who just said that he had never heard of anybody dying of a toothache and who simply gave the child an aspirin.
>
> "Another problem the children in prison have is visits. For them, family visits are extremely important. But now, because of the closure and because the prisons are all inside Israel, in some cases more than six months pass before a family visit can be arranged, and in Gaza more than a year!" (Ibid.)

360. The lawyer described a particularly serious case of six children who were detained in Kfar Yona:

> "Six children were in Kfar Yona. In a routine search procedure, it was found that one of the tiles on the floor of the cell was loose. The children were accused of trying to dig a tunnel to escape and the prison authorities immediately decided to punish them, transport them to the Telmond prison and put them in solitary confinement. These 6 children were part of a group of 30 children who were then all taken to Telmond prison, stripped of all their personal and recreational effects, these recreational effects consisting of a backgammon board and two tennis rackets, paper and pencils. The children remained imprisoned under such conditions for two whole months, without any of their personal belongings. We were following up the case with the prison authorities. Our requests were rejected, or not even answered. The situation was so bad that one of the children tried to kill himself." (Ibid.)

361. The Special Committee was informed about the situation of children in administrative detention:

> "In cases where the children are not referred for trial, they are referred for what is called administrative detention. Administrative detention means that people are detained without trial and without charges being brought against them. This is done on the basis of the emergency mandate laws of 1945, which were renewed for utilization in 1986. I would like to inform you that in 1996 many of the younger detainees were covered by this form of detention. There were 20 of them. Now, we have five children under administrative detention." (Ibid.)

362. He described the situation of persons in administrative detention:

> "According to the decision taken by the High Court of Justice, in Israel administrative detention is not a sentence. It is not a punishment. It is a form of preventive detention and the persons under administrative

> detention have got to enjoy privileges that are normally not granted to persons who are being sentenced. But, in reality, the conditions of the detainees under administrative detention are not different from the conditions of the prisoners who have been sentenced.
>
> "The sufferings are much harsher for detainees under administrative detention than for normal detainees, because these have had a sentence and they know that after one year or two years, they are going to be released, whereas the persons under administrative detention have an unknown fate, in many cases through no fault of theirs. Many of the detainees under administrative detention have appealed, asking to be tried. But it has not happened and the administrative detention is renewed and the sufferings of the administrative detainees, their children and their families continue." (Ibid.)

363. One of the problems linked to the current situation regarding residency rights of Palestinian Jerusalemites is child registration:

> "There are thousands of children of both sexes coming from mixed marriages, that is marriages between Palestinians from Jerusalem and Palestinians from outside Jerusalem, who are not registered and who do not have a registration number allowing them to be Jerusalemites or to live in Jerusalem in the future. Israeli law was changed in 1982. Until then, the mother could register her children on her ID card, but since 1982 she cannot do so if the father of the child is not a Jerusalemite. As a result, many children are not registered, that means that they cannot go to a government school when they reach school age, that they are not eligible for health services, that they cannot get an ID card when they turn 16. They have only one option left to them, to become West Bankers, from a city of the West Bank. This means in fact that this is a silent deportation of Palestinians from Jerusalem.
>
> "Parents prefer to take their children to a government school and not to a private school, because in Palestine private schools are extremely expensive, like in the whole world. So, they are forced to live outside the City in order to let their children go to the government school. Thus many people are living in the neighbourhood of Jerusalem, in Jerusalem in fact, but outside the Israeli-designated borders of Jerusalem. So these people have a Jerusalem ID. They have been living there all their life. But now, they are under the threat of losing their Jerusalem residency, because they are outside the City." (Mr. Muhammad Jaradat, witness no. 7, A/AC.145/RT.716)

364. A lawyer from Jerusalem described to the Special Committee the current situation of unregistered children in the City:

> "In the past, mothers having a Jerusalem identity card could have their children registered on their own card, with an identity number and at the age of 16 these children could get their own identity card and live in Jerusalem. After 1993, the Israeli policy changed and the Ministry of the Interior refused to register children on the identity card of the Jerusalemite mother. We are talking here about 10,000 children who are not

> registered, live in Jerusalem and run the risk of being expelled when they reach the age of 16." (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

365. Accounts of the situation of children may be found in documents A/AC.145/RT.716 (Mr. Muhammad Jaradat), A/AC.145/RT.718 (Mrs. Frances Moore, Mr. D. K. Seymour and Mrs. Annie Foster) and A/AC.145/RT.720 (Mr. Khaled Mahmud Quzmar and Mr. Ahmad Rwaidy).

Written information

366. On 26 August 1997, 40 pupils rushed out of their classrooms, coughing and holding handkerchiefs to their noses, after some 20 gas canisters were thrown into the Ibn Jaser Elementary Girls' School in Bethlehem. (The Jerusalem Times, 29 August)

(f) Other developments

Written information

367. On 2 May 1997, it was reported that Israel had agreed to halt the construction of a tower close to the Gaza International Airport pending further talks with the Palestine Authority. An official Palestinian source stated that the tower would disrupt the landing and take-off of airplanes. According to an IDF spokesman, the tower was being built in an area under Israeli control. (The Jerusalem Times, 2 May)

368. On 9 May, it was reported that Israel had removed the tower it had started building close to the Gaza Airport. (The Jerusalem Times, 9 May)

369. On 27 May, the Jerusalem Municipality headed by Ehud Olmert demolished a section of a house in the Silwan quarter of Jerusalem one day before an Israeli court was scheduled to issue an order to halt the demolition procedures pending the review of a petition submitted by the Al Bana family to the District Court. The Municipality announced that the family had not obtained a permit to build the house. The Al Bana family stated that they had applied for a permit but had not received one. Palestinian sources indicated that the Jerusalem Municipality had a list of 45 demolition orders for houses in Silwan, a quarter targeted by settlers. (The Jerusalem Times, 30 May)

370. On 4 June, hundreds of additional police, border policemen and IDF soldiers were deployed around Jerusalem on the occasion of the celebration of the thirtieth anniversary of the reunification of the City. Police were on heightened alert following reports that 12 suicide bombers had been dispatched by the Islamic Jihad to attempt to carry out "terrorist" attacks in Israel. (Jerusalem Post, 4 June)

371. On 8 June, it was reported that Israel had decided to cancel the VIP card of Brig.-Gen. Tawfik Tirawi, the Head of the Palestinian Authority General Security Service in the West Bank, whom it held responsible for the murder of three Palestinians alleged to have sold land to Israelis. The VIP card enables its holder to enter Israel from the West Bank and the Gaza Strip freely and to cross into Jordan and back without restrictions. Tirawi called the move an

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attack on Palestinian sovereignty and denied any connection to the murders. The Israeli police stated that they were holding at least four other Palestinian Authority security officials on charges of involvement in the killing of the three suspected land dealers. Senior Authority officials denied involvement in the killings. (Jerusalem Post, 8 June)

372. On 13 June, it was reported that the Palestinian Authority had prevented a group of Israeli workers from laying a cable line for a TV set they had installed inside the Sheikh Yousef Shrine outside Nablus. A Palestine Authority official indicated that no changes were allowed at the site without the prior agreement of both sides. (The Jerusalem Times, 13 June)

373. On 16 June, Hamas and the Islamic Jihad defeated the PLO-affiliated Fatah in elections for the Al-Quds University student council. The Islamic lists jointly won approximately 61 per cent of the vote as compared with 34 per cent for Fatah and 5 per cent for the Democratic and Popular Fronts. Some 2,200 students are reportedly enrolled at the University. (Jerusalem Post, 17 June)

374. On 1 July, the IDF removed a memorial to an IDF soldier from disputed land near the Morag settlement in Gush Katif, stating that a mistake had been made in allowing it to be erected on the site. The removal of the memorial was taken by Palestinians to be a tacit admission that the land on which it was put up was under the Palestinian Authority's control. (Jerusalem Post, 2 July)

375. On 7 July, it was reported that an illustration in a scientific periodical meant to illustrate an article on cloning was stirring furor in Palestinian Christian circles, which stated that it was an insult to Christianity. It also elicited condemnation from the Greek Orthodox and Latin Patriarchates. The illustration, which consisted of a conventional painting of the Madonna and Child with the head of a cow superimposed on the head of Mary, appeared in Galileo, a Hebrew-language science magazine. It specifically related to the possibility that at some point in the future, it might be possible for a human fetus to be born from an animal's womb. The editors of the magazine, who simply saw the picture as that of a mother and child, are said to have been unaware of its religious significance. Prime Minister Netanyahu issued a statement expressing his regret over the incident. He said that he was deeply sorry about the hurt that the publication of such a picture had inflicted on the people of the Christian faith. Mr. Netanyahu's communication and policy adviser, David Bar Ilan, stated that not everyone understood the meaning of a free press. While the Government was sorry, he added, it could not exercise any form of censorship over such a publication. (Jerusalem Post, 7 July)

376. On 13 July, senior Israeli government officials voiced attacks against a vitriolic sermon made at the Al-Aqsa Mosque by the Palestinian Authority-appointed Mufti Ikrama Sabri in which he called settlers "sons of monkeys and pigs". The officials condemned the sermon as a grave violation of the Oslo Accords, citing article 22 of the Accords, which states that Israel and the Palestinian Authority "shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda against each other". (Jerusalem Post, 14 July)

377. On 13 July, it was reported that IDF soldiers had taken over the rooftop of a private Palestinian home overlooking the area dividing the Palestinian-controlled section of Hebron from that under Israeli control. The owner of the house, a 33-year-old father of four, stated that he lived in hell, with his home in the line of fire. (Jerusalem Post, 13 July)

378. On 23 July, Palestinian Airlines was inaugurated with a scheduled international commercial flight from El-Arish Airport in Egypt to Amman. After a three-hour delay, blamed on Israeli security measures, the small twin-propeller Fokker plane landed at Amman's Queen Alia Airport to a festive welcome. Officials expressed the hope that the airline would soon be flying from its native soil in the Gaza Strip rather than from its temporary base in Egypt. (Jerusalem Post, 24 July)

379. On 15 August, it was reported that the Minister of Defence, Yitzhak Mordechai, and the Minister of Communications, Limor Livnat, were establishing a regional radio station to serve settlers in the West Bank and Gaza Strip. (Jerusalem Post, 15 August)

380. On 20 August, several Palestinian families set up a makeshift camp on the slopes of the Mount of Olives in order to protest against Israel's policies aimed at emptying Jerusalem of its Arab population. The Solidarity and Steadfastness Camp, as it is called, was set up on land owned by the Islamic Waqf. The tents house families whose houses have been demolished, individuals whose identity cards have been withdrawn, and families who are in desperate need of housing. (The Jerusalem Times, 22 August)

2. Measures affecting certain fundamental freedoms

(a) Freedom of movement

Oral evidence

381. The representative of the Palestinian Centre for Human Rights provided the Special Committee with a definition of the Israeli closure policy regarding the occupied territories:

> "The closure means the complete closure of the whole Palestinian territory. It means that the West Bank is isolated from the Gaza Strip, all links are cut off between the two regions. It also means that the West Bank and the Gaza Strip are isolated from the Israeli territory. The closure also means that there is a total prohibition of circulation of goods and persons, that there is no freedom of movement for either individuals and goods." (Mr. Hamdi Shakoura, witness no. 10, A/AC.145/RT.717/Add.1)

382. He elaborated on the consequences of the closure for the Palestinian population in concrete terms:

> "The Israeli authorities allowed about 6,000 persons from the Gaza Strip to go to the West Bank. During a whole year, only 6,000 persons were

> allowed to go to the West Bank! And here, we speak of an area which, according to the peace agreement, is an integrated zone. Geographically speaking, the peace accord regards the West Bank and the Gaza Strip as a single geographical area and only 6,000 persons were allowed to go to the West Bank!
>
> "It means that the facilities given by the occupation authorities in 1996 amount to only 1 per cent of the requirements, as the normal number should have been 600,000. When only 6,000 persons are allowed to go to the West Bank, it means that only 1 per cent of the needs of the Palestinians are covered.
>
> "This figure actually reflects the tragedy of the Palestinian people as regards the restrictions imposed on their freedom of movement. When we try to explain what these restrictions of the freedom of movement actually mean, we find that it is something that affects every single Palestinian family, if not every individual Palestinian.
>
> "In many cases - and I know quite a few - the husband and father is not allowed to keep his wife and remain with her in the Gaza Strip because, for instance, she has an ID card from the West Bank, or from Jerusalem. In my opinion, the issue here is a humanitarian one." (Ibid.)

383. The representative of the Palestinian Centre for Human Rights described to the Special Committee the potential consequences of restrictions imposed on the freedom of movement for the lives of the population of the occupied territories:

> "Take for example the case of a woman who was 50 years old and had suffered a heart attack. At the very last moment, she had been able to obtain a permit to be treated in an Israeli hospital. She was stopped at the crossing point in an ambulance and had to wait for three or four hours. The pretext given was the search of the vehicle which, was not a private car, it was an ambulance belonging to the Ministry of Health of the Palestinian Authority - the Palestinian Authority, which was a partner of Israel in the process of peace. The accompanying doctor had already warned the Israeli soldiers and told them that the condition of the patient was extremely serious and that she needed to be rushed to hospital as quickly as possible. This argument was rejected. The soldiers demanded that the ambulance be replaced by another one, because they were suspicious. This required some time. The new car was also inspected and searched. This also took time. When the woman reached the Israeli hospital, she had already died. Doctors at the hospital said that if this patient had arrived only a little bit before, she might have been saved.
>
> "There are many other cases. What I want to say is that patients cannot constitute a security threat to the State of Israel." (Ibid.)

384. The representative of Save the Children UK described the impact of the closure of Jerusalem for the inhabitants of the West Bank:

> "The West Bank is much more affected by the closure of Jerusalem than the Gazans are, because they are further away from Jerusalem. Particularly

> in the case of Bethlehem, which is one of the towns in the West Bank, the connection to Jerusalem is extremely strong. Bethlehem is, was a predominantly Christian town. A lot of the children there went to school in Jerusalem. People from Jerusalem worked at Bethlehem University. The passage of population between Bethlehem and Jerusalem was such that, on a daily basis, probably about 25 per cent of the population would move between the major capital city of Jerusalem and the town of Bethlehem. Now that there is a closure, Bethlehem has been very, very badly affected."
> (Mrs. Frances Moore, witness no. 11, A/AC.145/RT.718)

385. A witness described how Palestinians felt during the imposition of "internal" closures on the cities of the West Bank:

> "After those clashes and confrontations, the Palestinian areas were very tightly closed and instead of being in one big prison, we developed the feeling that everybody was in a smaller prison in the location he lives in. Cities were closed and movement between the cities was forbidden. Movement between villages was forbidden. Leaving or entering a village, movement in and out of camps was forbidden as well. It was a collective punishment that lasted for a period of over two weeks."
> (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

386. The Special Committee was informed about the difficulties faced by Palestinian farmers as a result of the restrictions imposed on their freedom of movement:

> "Agriculture is the major sector of activity that contributes to the gross national product of Palestine and it is also the sector that employs the largest number of workers. We have a problem and that is that most of the agricultural areas in Palestine are located in area C.
>
> "The Palestinian rural areas, the villages, are under the Palestinian Authority, the areas outside the villages are under Israeli authorities, area C constitutes about 67 per cent of the West Bank and is under the total supervision of the Israeli authorities, the security authorities and others.
>
> "The problem is that the Palestinian farmers live in area B in the villages. However, their fields are in area C. When there is a closure - and internal closures repeatedly take place between the cities and the other areas (I am not talking here about the closure between Israel and the West Bank) - in such cases, area A is separated from area B and area C. So, the farmers living in area B are prevented from reaching their agricultural land in area C." (Mr. Samir Nazmi, witness no. 27, A/AC.145/RT.722)

387. A witness from the Gaza Strip described how settlements obstructed the freedom of movement of the population:

> "This area by the sea where we are allowed to go and enjoy ourselves on the beach is not longer than three kilometres. That is the place we are allowed to use. There is a settlement on each side of this beach and there

> is a road that goes by the sea in front of the settlements. But if some Palestinians who are at the beach want to go and visit some relatives or friends living on the other side of the settlement, they are not allowed to use that road. No, they have to go all the way back to Khan Younis and take another road from Khan Younis. Before the intifada, we were allowed to use the road by the sea." (Anonymous witness no. 3, A/AC.145/RT.715)

388. Testimonies referring to the restrictions on the right to freedom of movement may be found in documents A/AC.145/RT.715 (anonymous witness), A/AC.145/RT.717/Add.1 (Mr. Hamdi Shakoura), A/AC.145/RT.718 (Mrs. Frances Moore), A/AC.145/RT.720 (Mr. Khaled Mahmud Quzmar) and A/AC.145/RT.722 (Mr. Samir Nazmi).

Written information

389. On 2 May 1997, it was reported that 28,000 labourers from the West Bank and another 27,000 from the Gaza Strip would be allowed into Israel provided that they were married and aged over 30. An IDF spokesman added that the West Bankers would be allowed to travel to the Gaza Strip once Israel agreed to provide them with permits. An additional 300 workers employed in the tourist sector were to be allowed into Jerusalem and Israel, also on condition they were married and aged over 30. (The Jerusalem Times, 2 May)

390. On 17 May, the Palestinian media reported extensively on cases of dozens of Palestinian drivers who had travelled through bypass roads in the West Bank and were charged with illegal entry into Israel. The Al-Quds newspaper wrote that drivers had been summoned to military courts in Beit El (near Ramallah) and in Dotan (near Jenin) because they had entered Israel without permits. In an interview given to the Voice of Palestine, the Palestinian Authority Minister for Civil Affairs, Jamil A-Tripi, called on West Bank residents not to apply for permits but to use bypass roads. According to Mr. Tripi, the bypass roads were located in an area that was supposed to be turned over to the Palestinian Authority long ago under the Taba Agreement. The IDF denied the report in Al-Quds. The IDF spokesman stated that there were no sweeping orders or instructions aimed at preventing Palestinians from travelling on bypass roads in Judea and Samaria (West Bank). (Ha'aretz, 18 May)

391. On 6 July, it was reported that thousands of Palestinians living in the Gulf States had had applications for permits to visit their families in the Gaza Strip and West Bank rejected or simply ignored by the Civil Administration. Those who received a permit for the Gaza Strip were ordered to travel through Egypt and the Rafah border crossing and not through Jordan and the Allenby (King Hussein) Bridge. Other severe restrictions had been imposed regarding the freedom of movement to and from the Gaza Strip, the West Bank and Israel. (Ha'aretz, 6 July)

392. On 9 July, the security authorities confiscated the entry permit to Israel of a Palestinian whose son had been killed on 2 July during clashes between soldiers and Palestinians who were protesting against work carried out by the Gush Katif settlers near Deir el-Balah, in the Gaza Strip. (Ha'aretz, 10 July)

393. On 2 August, Palestinians were allowed to return to work on the Palestinian side of the Erez industrial zone. (Ha'aretz, 3 August)

394. On 5 August, it was reported that the IDF was preventing senior Palestinian officials with VIP cards from leaving the territories freely or travelling inside Israel. Out of the some 450 Palestinian holders of VIP cards, only 30 were allowed to move freely between Israel and the territories. Israel had also closed the border crossings at Rafah and the Allenby (King Hussein) Bridge. The internal closure of West Bank towns continued in force. (Ha'aretz, 5 August)

395. On 5 August, 2,500 Palestinian labourers were allowed to enter the Erez industrial zone; hospital staff and ambulances were allowed to leave the Gaza Strip. (Ha'aretz, 6 August)

396. On 6 August, the IDF allowed an additional 13,000 Palestinian workers with permits from the Gaza Strip and the West Bank into Israeli industrial zones in the West Bank and Gaza. (Jerusalem Post, 7 August)

397. On 10 August, the IDF eased the restrictions imposed on three West Bank towns, permitting residents of Tulkarm, Jenin and Kalkiliya to travel within the West Bank. In addition, it opened the Rafah border crossing into the Gaza Strip. (Jerusalem Post, 10 August)

398. On 11 August, a 19-year-old Palestinian woman was forced to give birth near an IDF roadblock at the entrance to Ramallah after soldiers refused to allow her to reach the Ramallah Hospital. The woman gave birth to a boy who was reported to be in good health. (Ha'aretz, 12 August)

399. On 31 August, two Palestinians were arrested by IDF soldiers while trying to cross from the Gaza Strip into Israel. Eighty Palestinians were said to have been caught since the beginning of the month trying to cross from the Gaza Strip into Israel without a permit. (Ha'aretz, 1 September)

(b) Freedom of education

Oral evidence

400. The representative of the Palestinian Centre for Human Rights informed the Special Committee about the current situation of Palestinian students from the Gaza Strip enrolled in educational institutions in the West Bank:

> "There are more than 1,200 Palestinian students from the Gaza Strip who receive their education in the universities of the West Bank. Since February 1996 until the present, the problems of these students have not been solved.
>
> "Therefore, some of them try to find other alternatives. Either they try to pursue their education in Gaza (they might have preferred to study in the West Bank, but they are obliged to stay in the Gaza Strip), or they are obliged to give up their wish for higher education altogether. Or they have to leave the area and go and study abroad - and that is actually what Israel wants. It wants to encourage Palestinian young men to leave the

> Gaza Strip and to leave the West Bank to go elsewhere." (Mr. Hamdi Shakoura, witness no. 10, A/AC.145/RT.717/Add.1)

401. He elaborated on the specific example of the students of Bir Zeit University in the West Bank:

> "Bir Zeit University is situated in an area classified as B according to the peace accord, that is to say that it is under Israeli security control. The students live in Ramallah, which is under Palestinian control. So along the way there is a danger that the students might be arrested when they move from one area to the other. Their situation is not secure at all and in my estimation, it is something that is likely to reflect negatively on their academic performance, because the students will always feel that they are in a situation of harassment that makes their life difficult.
>
> "This is not going to create a generation who will try to build up peace and who will work for peace, rather exactly the contrary. It is a generation of young people who start their education with feelings of frustration and an unclear future." (Ibid.)

402. Testimonies on the restrictions to the right to freedom of education may be found in document A/AC.145/RT.717/Add.1 (Mr. Hamdi Shakoura).

Written information

403. On 3 June 1997, the Mayor of Jerusalem, Ehud Olmert, threatened to rescind the autonomy of Palestinian residents in running their schools in East Jerusalem. Mr. Olmert announced that he would form a committee to change the curriculum in the City's Arab schools in order to coordinate it with the curriculum used in Arab schools inside Israel. The Ir Shalem peace group criticized Mr. Olmert's plan, stating that Palestinian autonomy over its educational system had been respected by all previous Israeli Governments as well as the Jerusalem Municipality:

> "Mayor Olmert's intention to negate the principle of autonomy and force the Israeli study programme upon schools in East Jerusalem is another one-sided step (such as the demolition of houses, denial of residency, denial of building permits, isolating East Jerusalem from the West Bank and the building of the Har Homa settlement) designed to push the Palestinian population of Jerusalem into a corner. This provocation increases the danger of violence and damages the chance for coexistence in the City."

Faisal Husseini, the senior Palestinian official in Jerusalem, stated that Mr. Olmert's plan would lead to an atmosphere of war and hatred and would destroy the peace process and any hope that Israelis and Palestinians could live together. (Jerusalem Post, 4 June)

404. On 3 June, the spokesman of the Jerusalem Municipality announced that the Ministerial Committee on Jerusalem Affairs had decided to replace the Jordanian with the Israeli curriculum in schools in East Jerusalem. The spokesman added that the decision was taken to block attempts by the Palestinian National

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Authority to run schools in East Jerusalem. There are 34 schools in the Jerusalem area that follow the Jordanian curriculum. (The Jerusalem Times, 6 June)

(c) Freedom of religion

Oral evidence

405. A lawyer from Jerusalem described the effects of the closure of the occupied territories on the freedom of worship:

> "Another result of the closure is to prevent both Muslims and Christians from reaching the sacred places of worship in Jerusalem. Most of the sacred places in Palestine for Muslims and for Christians are to be found in Jerusalem, in particular the Dome of the Rock, the Al-Aqsa Mosque, and a number of churches. So, as a result of this closure, Muslims and Christians could not reach their places of worship to pray."
> (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

406. He also made the following observation:

> "I would also like to mention practices affecting the dignity and the practice of the Muslim religion, the latest example being the digging of a tunnel under the Al-Aqsa Mosque." (Ibid.)

407. Another witness described the effects of Israeli policy in connection with religion:

> "All Israeli measures have led to anger among the Palestinian population. But Israel has done more than all these measures: it has dug and opened this tunnel, which constitutes a flagrant act of aggression against the religious sentiments of the Muslims."
> (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

408. Testimonies on the restrictions to the right to freedom of religion may be found in document A/AC.145/RT.720 (Mr. Ahmad Rwaidy and Mr. Khaled Mahmud Quzmar).

Written information

409. On 2 May 1997, it was reported that the Minister of Religious Affairs of the Palestinian Authority, Sheikh Hassan Tahboub, had accused Israel of reneging on its agreement concerning arrangements for the return of the Muslim Hajj pilgrims. Sheikh Tahboub stated that the pilgrims were made to wait for an inordinate length of time before they were allowed to cross into the territories from Jordan. In several cases, the Israelis had blown up the luggage of the Hajj pilgrims on the grounds that it contained suspicious objects. (The Jerusalem Times, 2 May)

410. On 9 May, it was reported that the Director of the Islamic Waqf, Adnan Husseini, had strongly protested against Israeli plans to take over a section of the Al Wad quarter, also known as the Ribat Al-Kurd, and turn it into

a prayer site for Jews. Husseini stated that Israel intended to restore a "mini Wailing Wall" in the area known as Bab Al-Hadid near one of the entrances to the Al-Aqsa Mosque. (The Jerusalem Times, 9 May)

411. On 11 May, Israeli policemen forced their way into the minarets of the Al-Aqsa Mosque compound that overlook the plaza of the Western Wall, taking up positions to guard the crowds celebrating Israel's Independence Day. (The Jerusalem Times, 16 May)

412. On 12 May, a group of Jewish extremists tried to enter the holy compound through the Qattaneen Gate in order to hold prayers there. Eyewitnesses stated that the group was comprised of 13 persons who had chained themselves together in order to avoid being dispersed. They were driven back by the Al-Aqsa guards and by worshippers. (The Jerusalem Times, 16 May)

413. On 13 May, the Palestinian Authority Minister for Religious Affairs stated that a takeover of Ribat Al-Kurd was linked to an Israeli plan to dig a tunnel beneath the Al-Aqsa Mosque. (The Jerusalem Times, 16 May)

414. On 11 June, 200 settlers tried to invade the Al-Aqsa Mosque in order to pray in the compound on the occasion of the feast of Shavuot. Brandishing anti-Arab slogans and holding a Torah, the settlers broke into the compound from four sides. On their way, they smashed the windshields of 18 cars and physically attacked 11 children. Similar incidents were also reported around the holy compound. (The Jerusalem Times, 13 June)

415. On 9 July, a think tank of the Jerusalem Institute for Israel Studies warned the Government that giving in to demands to allow Jews to pray on the Temple Mount could trigger violence and a long-term crisis in the Middle East. Amnon Ramon of the Jerusalem Institute explained that the fear of losing Israeli sovereignty over the Temple Mount as a result of an agreement between Israel, Jordan and the Palestinians was leading to political pressure to allow Jews to pray on the Temple Mount. Mr. Ramon noted that 93 per cent of Israelis believed that the Temple Mount was important, 86 per cent wanted to be able to worship there and 70 per cent opposed formalizing the Islamic Trust's status regarding the site. (Jerusalem Post, 10 July)

416. On 24 July, the President of the High Court of Justice, Amnon Cohen, ruled that the head of the Hai ve Kayam movement, Yehuda Etzion, was to be allowed to pray on the Temple Mount, provided that he whispered his prayers without a Tallith, a prayer book, phylacteries and without a quorum. In addition, the President rescinded a ban he had imposed on Etzion a year and a half earlier that prohibited his entry to the Old City of Jerusalem. (Ha'aretz, 25 July)

417. On 4 August, it was reported that according to Dr. Elie Rekhess, Director of the Programme on Arab Politics in Israel at Tel Aviv University, there was growing concern in governmental circles over attempts by the Islamic Movement to "take over" Muslim holy places throughout the country. His statement followed a report that the Islamic Movement intended to preserve and renovate Muslim holy sites in Western Jerusalem after carrying out similar work in the eastern part of the City and other localities throughout the country. Mr. Rekhess warned that such activities were not just part of a movement of religious

revival but were also of a political and nationalistic nature, since the Islamists were trying to stake a claim to the holy places in question. MK Abdul Malik Dahamshe, a leading member of the Islamic Movement, stated in response that renovating mosques and Islamic holy places was not only a right but a religious duty of all Muslims. (Jerusalem Post, 4 August)

418. On 12 August, scores of Jewish extremists tried to force their way into the holy compound in Jerusalem, but were driven back by the Israeli police and the guards of the Al-Aqsa Mosque. The police arrested a number of persons, but also allowed three worshippers into the compound where they held prayers to mark the Ninth of Av, the date of the destruction of the First and Second Temples according to the Hebrew calendar. (The Jerusalem Times, 15 August)

419. On 18 August, the Israeli Minister of Internal Security, Avigdor Kahalani, ordered the closure of the offices of the Jerusalem Committee on the grounds that it was connected to the Palestine Authority. The injunction gave the Minister of Waqf and Religious Affairs, Sheikh Hassan Tahboub, a period of 10 days within which to close the offices. The Jerusalem Committee, founded in 1987 and formally registered in Israel, aims to help Jerusalemites restore their homes inside the Old City. Tahboub reacted angrily to the injunction and stressed that the Committee's objectives were purely humanitarian. (The Jerusalem Times, 22 August)

420. On 28 August, some 2,000 Christians from Bethlehem, Beit Jallah and Beit Sahur said their prayers at the Gilo roadblock after they had been barred by the IDF from entering Jerusalem. Papal Nuncio Adrea Montezemolo stated that while foreigners were allowed through, Palestinians were still being stopped. He stated that even the Latin Patriarch had difficulties when he went from Jerusalem to Bethlehem. (Ha'aretz, Jerusalem Post, 29 August)

(d) Freedom of expression

Oral evidence

421. A witness described how the Israeli authorities can exercise control over the freedom of expression in the occupied territories:

> "For example, there is a poem on Palestine - I think that it was even sung as a song by one of our Egyptian singers - it says something like 'my brother, great injustice has been done to Palestine'. They have banned this poem." (Anonymous witness no. 21, A/AC.145/RT.721)

422. Testimony on the restrictions to the right to freedom of expression may be found in document A/AC.145/RT.721 (anonymous witness).

Written information

423. On 13 July 1997, five Palestinian press photographers and cameramen were wounded by IDF rubber bullets during riots in Hebron. Palestinian sources charged that IDF soldiers had deliberately shot at the journalists who were filming the riots. In a comment on the incident, the Foreign Press Association Chairman, Nick Tatro, stated that some of the journalists felt that they were

being targeted and added that it seemed from the film footage that they were not near any of the rioters, which raised the question of why they had been shot at. He also stated that he was not aware of any warnings given to the journalists before they were hit. In answering the charges, the IDF stated that an investigation had found that there was no deliberate shooting at journalists or photographers and that they were wounded when the demonstrators were dispersed. (Ha'aretz, Jerusalem Post, 14 July)

424. On 21 July, Minister of Communications Limor Livnat requested Prime Minister Netanyahu to take action in order immediately to suspend broadcasting by the Voice of Palestine on the grounds that it "incited to attacks against Israel and portrayed the country and its residents in a negative light". (Ha'aretz, 22 July)

425. On 31 July, a senior security official threatened that Israel would jam Palestinian radio and TV stations in an attempt to prevent any programme that might "incite to hatred and killing of Jews". (Ha'aretz, 1 August)

426. On 1 August, the IDF started jamming the radio broadcasts of the Voice of Palestine, the Palestinian Authority's radio station. The jamming followed a decision by the Cabinet, sitting as the National Committee on Security, to jam the Palestinian Authority's radio and TV transmissions on the grounds that they included incitements against the State of Israel. (Ha'aretz, 4 August; Jerusalem Post, 5 August)

427. On 2 August, the police apprehended two Palestinian journalists filming IDF troops at a roadblock outside Hebron. According to reports, the soldiers used force during the arrest of the journalists. One soldier also verbally abused and made indecent proposals to one of the journalists, who was a woman. The journalists were later released on bail. (Ha'aretz, Jerusalem Post, 3 August)

428. On 3 August, Israel closed down the premises of the Palestinian National Theatre in Jerusalem on the grounds that the Palestinian Authority had planned to hold an unauthorized meeting there that had not been cleared previously with the Israeli authorities. (The Jerusalem Times, 8 August)

429. On 9 August, Palestinian sources in Gaza reported that the Voice of Palestine broadcasts had been jammed throughout the day and accused Israel of the jamming. The sources pointed out that the reception was particularly bad between 3 and 4 p.m., the hour when people sent regards to Palestinian detainees in Israel. (Ha'aretz, 10 August)

430. On 31 August, the High Court of Justice ordered the Government to explain within 10 days why it should not refrain from jamming broadcasts of Radio Palestine. The injunction came at the request of MK Avraham Poraz who stated that the jamming of the broadcasts was illegal since it violated the Oslo Accords and other international obligations undertaken by Israel. (Jerusalem Post, 1 September)

3. Information on settlers' activities affecting the civilian population

Written information

431. On 13 May 1997, it was reported that 10 families from the Yitzhar settlement had moved into tents and makeshift houses located on a disputed hilltop where three houses had been demolished by the authorities a week earlier. According to the Yitzhar secretary-general, Deputy Minister of Housing Meir Porush had visited the hilltop and planted a pomegranate tree there. (Jerusalem Post, 13 May)

432. On 13 May, two Palestinian boys aged 12 and 13 were injured by tear-gas inhalation and needed medical treatment when they were sprayed with tear-gas by settler children during a settler demonstration in A-Shuhada Street in Hebron. Settlers demonstrated in protest against the opening of A-Shuhada Street, which had been closed to Palestinian traffic since the Cave of the Patriarchs (Ibrahimi Mosque) massacre in 1994. (Ha'aretz, 14 May)

433. On 23 May, it was reported that settlers from the Kfar Darom settlement in the Gaza Strip had stepped up their provocation against the people of the Al Mawasi enclave near Khan Younis. The settlers poured their waste water in the direction of Khan Younis beach near an area that the Israeli army had tried to confiscate a month earlier. (The Jerusalem Times, 23 May)

434. On 2 June, IDF soldiers beat five Palestinians during a demonstration against an attempt by settlers to fence in land near the Morag settlement in the Gaza Strip. One Reuters photographer was also injured during the incident. (Ha'aretz, 3 June)

435. On 6 June, it was reported that clashes had erupted during the week after settlers from the Morag settlement had closed off about some 3,000 dunums of land in the Thahriyat area near Rafah. The settlers set up a barbed wire fence around the land, cutting off hundreds of farmers from their land. The IDF protected the settlers and attacked protesters and journalists with rifle butts and truncheons. (The Jerusalem Times, 6 June)

436. On 13 June, it was reported that the settlers of Hebron were stepping up their attacks against the citizens of Hebron. Several incidents were reported, including the smashing of car windows, harassment of families in their homes and of merchants in their shops and attacks on elderly persons to force them to leave their houses. (The Jerusalem Times, 13 June)

437. On 16 June, a 16-year-old Palestinian youth from the village of Deir el-Balah was injured in the leg when a settler opened fire at Palestinian residents who protested against ground levelling work carried out by settlers on land they claimed belonged to a resident of the village. The confrontation broke out when Palestinian residents destroyed the fence surrounding the plot of disputed land, uprooted seedlings and caused slight damage to drip-sprinklers. In response, the settler claiming ownership of the land opened fire and injured the youth. Following the incident, large numbers of IDF troops were dispatched

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to the area and fired riot and shock grenades at the Palestinian demonstrators. (Ha'aretz, 17 June)

438. On 17 June, settlers from the Morag settlement attacked Palestinian protesters near Rafah, tossing tear-gas canisters, firing guns and using rubber bullets. They unsuccessfully tried to kidnap two Palestinian youths. The settlers, heavily guarded by Israeli soldiers, later set up a counter-camp facing the Palestinian protest tents. (The Jerusalem Times, 20 June)

439. On 25 June, settlers uprooted with bulldozers hundreds of olive trees planted on Palestinian land that had been confiscated to allow for the expansion of the Telem settlement. The settlers carried out the uprooting operation under the protection of IDF soldiers. One landowner stated that the army had denied him access to his land, allegedly on the grounds that it was state-owned. Another landowner stated that all of his 300 olive trees, some of which were more than 10 years old, had been uprooted. According to Palestinians, the settlers also uprooted 600 olive trees on land belonging to a Palestinian family from Tarqumiya village. (Ha'aretz, 26 June)

440. On 2 July, Gush Katif settlers complained that the Khan Younis Municipality had taken over a section of the beachfront south of the Kfar Yam settlement, erecting signs declaring the area a public beach and placing rubbish bins and umbrellas there. The IDF responded by sending troops to the beach to halt the work. (Ha'aretz, Jerusalem Post, 3 July)

441. On 2 July, an anti-settlement demonstration took place against plans by the settlers from Netzar Hazani to annex 200 dunums of land belonging to the Abdeleh and Al Farrah families. Informed Palestinian sources indicated that the settlers had been trying to annex the land to Netzar Hazani in order to cut off the agricultural road that leads from the Mawasi area into Khan Younis. (The Jerusalem Times, 4 July)

442. On 3 July, Palestinians stoned some 40 settlers from Morag who attempted to build a fence around an adjacent area. Soldiers and police dispersed the stone-throwers and pulled down the fence. (Jerusalem Post, 4 July)

443. On 5 July, a Palestinian was injured by an empty bottle thrown at him by settlers in Hebron. In another incident in Hebron, settlers threw stones from Beit Hadassah at passers-by on the Shallalah Road. The stone-throwing lasted several hours before IDF troops were dispatched to the scene and dispersed the stone-throwers. In another incident, dozens of settlers gathered behind the iron fence protecting Beit Hadassah and shouted insults at Palestinians, including saying that the "Prophet Mohammed is a Pig". There was no information about any IDF intervention. (Ha'aretz, 6 July)

444. On 6 July, the principal of the Yaakoubi Girls' School in Hebron charged that on 5 July she had found copies of the Koran ripped up and strewn over the floor of one of her classrooms. In addition, shelves had been overturned, a framed photograph of Palestinian Authority Chairman Yasser Arafat smashed and ripped into pieces and paint splashed on the walls. The principal blamed IDF soldiers for the vandalism. Hebron Mayor Mustafa Natshe also accused Israel for the incident, stating that only soldiers or settlers under IDF protection could

have entered the school, which was closed for the summer holiday. Mr. Natshe underlined that the incident was a continuation of a series of incidents of settler harassment of Muslims and of the Palestinian population of Hebron. The IDF and Hebron settlers' spokesmen denied involvement of either soldiers or settlers in the incident. (Ha'aretz, Jerusalem Post, 7 July)

445. On 9 July, a German television crew consisting of one foreigner and two Palestinians was attacked by settlers from Itamar in the West Bank. Some 70 settlers attacked the crew, who were filming in the settlement, tore the film out of their camera and prevented them from leaving the site, lightly damaging their car in the process. (Jerusalem Post, 10 July)

446. On 12 July, settlers threw stones at Palestinian residents of the casbah in Hebron. The IDF separated the two sides. (Ha'aretz, 13 July)

447. On 18 July, it was reported that the police had arrested two Jewish youths on charges of setting fire to Palestinian-owned farmland. The settlers were caught red-handed, with petrol and other inflammable material in their possession. (Ha'aretz, 18 July)

448. On 28 July, Hebron settlers pasted dozens of leaflets on Palestinian-owned cars in the vicinity of the Jewish settlement in Beit Hadassah, warning drivers that settlers would damage their cars if they were parked in the area again. (Ha'aretz, 29 July)

449. On 27 August, the Director-General of the Palestinian Patrol Authority was attacked by settlers near Beit Ummar village. The settlers reportedly chased his car, ordered him to stop on the side of a road and beat him and kicked his car. Another senior Palestinian official was also assailed by settlers near the Gilo settlement several weeks earlier. (Ha'aretz, 28 August)

450. On 28 August, activists of the outlawed Kach movement punctured the tyres of four Palestinian-owned cars in the Sheikh Jarah neighbourhood of East Jerusalem. (Ha'aretz, 29 August)

451. On 31 August, the tyres of up to 40 Palestinian-owned cars were punctured in East Jerusalem. A spokesman for the outlawed extreme right-wing Kach movement took responsibility for the action. Fourteen other Palestinian cars had reportedly had their tyres punctured in recent days, also by Kach activists. (Ha'aretz, 1 September)

D. Treatment of detainees

1. Measures concerning the release of detainees

Oral evidence

452. The representative of the Gaza Centre for Rights and Law described to the Special Committee the feeling of Palestinians concerning the release of detainees:

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> "The question of Palestinian detainees is always a hot subject under discussion in Palestinian society. Actually, people had rejoiced when the Cairo Agreement was signed on 4 May 1995 and the reception that was then given to the Palestinian Authority was tantamount to a celebration, because the people thought that the occupation would come to an end within five years. At the time, the picture seemed very rosy and promising. But with the passing of time and because the Israeli authorities have deliberately tried to make life even more difficult for the Palestinian people, these expectations have not come true and the Palestinians have lost their optimism. So, they have lost hope in any new development regarding the question of detainees. The Oslo Accords had provided for the release of all detainees in three stages, but there are still 3,500 detainees, of whom 600 are sick and 227 are administrative detainees."
> (Mr. Ibrahim Khamis Shehada, witness no. 8, A/AC.145/RT.716)

453. Testimonies relating to the treatment of detainees may be found in document A/AC.145/RT.716 (Mr. Ibrahim Khamis Shehada).

Written information

454. On 26 August 1997, the IDF agreed to release an administrative detainee on condition that he went abroad to study. The case of the detainee, who had been arrested 20 months before for membership in the PFLP, aroused media attention because of the eloquent articles he had written from his prison cell to newspapers in Israel and the United States. He received a scholarship for a master's degree in the Netherlands and the IDF agreed that he could accept it on condition that he remain there for four years. B'tselem, the human rights organization, stated that both his release and his arrest were arbitrary, noting that the IDF had rejected an identical request by the detainee to study abroad in 1996 on the grounds that he could pose a security threat from the Netherlands. Some 370 Palestinians were said to remain in administrative detention, several for more than three years. (Jerusalem Post, 27 August)

2. Other information concerning detainees

Oral evidence

455. The representative of the Mandela Institute for Political Prisoners described the types of detention centres where Palestinian prisoners are held:

> "These people are being kept in three types of establishments, the central prisons like Nafha, Beersheva, Ashkelon, Al Shatta, Talmond, Damoun, Jalameh, Ayalon and the Ramla prison hospital. These are being supervised by the Israeli Prisons Service Authority.
>
> "The detention centres come under the Israeli Military Authority and not under the Israeli Prisons Service Authority. At present, there is only one detention centre, which is Megiddo. There used to be also the Negev Detention Centre, which is now closed.

> "The interrogation centres are being supervised by the Israeli police. They are Petah Tikva, Moscobiya and Tverya. There are also temporary holding facilities for holding people for interrogation purpose for two or three days." (Mrs. Dokmak, witness no. 24, A/AC.145/RT.722)

456. A former prisoner described to the Special Committee his interrogation and solitary confinement:

> "Questioning was very stressful, physically and psychologically. Every prisoner was kept in a cell by himself. Every cell was about one metre by two metres. I was kept for six months and 18 days in a questioning cell. The period of time to be spent in the questioning cell is not preset or determined by some law. It can be extended as long as they wish." (Anonymous witness no. 17, A/AC.145/RT.720/Add.1)

457. The situation of Palestinian detainees has been compounded by their lack of access to lawyers:

> "Since 8 April, lawyers have been completely deprived of the possibility to visit Palestinians in prison, because the Israeli authorities have not given them the necessary permits. After the redeployment of the Israeli army, all Palestinian detainees detained in the West Bank and in the Gaza Strip were moved to prisons inside Israel proper.
>
> "Because the lawyers are hampered from discharging their duties and visiting prisoners in order to provide them with legal assistance, it becomes very difficult to see how there could be fair trials of law and how the detainees could enjoy their rights in the absence of their lawyers, how they could have legal assistance either through visits or defence at court. In this way the Palestinian detainees are deprived of these legal assistance services.
>
> "The lawyers are prevented from exercising their professional duties, they do not have the right to obtain legal proxy in order to act on behalf of the detainees." (Anonymous witness no. 9, A/AC.145/RT.717)

458. The witness provided the Special Committee with the following information when asked about the possibility for Palestinian detainees to hire Israeli lawyers:

> "The possibility is there, that is to say the possibility of seeking assistance from any Israeli lawyer in order to participate in the defence or to provide legal assistance to the detainees. The possibility exists, but none of the inhabitants of Gaza or the cities of the West Bank have it within their means to pay for such services. It is an extremely expensive venture. It is a very costly process. Nobody has the means to pay for such services, as I said. So, my answer is yes, there is a possibility, but no, it cannot be implemented." (Ibid.)

459. The representative of the Gaza Centre for Rights and Law described to the Special Committee the treatment to which some Palestinian prisoners are subjected to in Israeli prisons:

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> "Once again, I shall address the question of torture and especially the violent shaking of prisoners. The latest victim of this method died last week in Moscobiya prison in Jerusalem. The decision by the Israeli Minister of Justice adopted on 16 December 1996 allowing the use of torture is still in effect. Those methods of torture include the violent shaking of the person, his sitting on a child's stool, the tying of the hands of the prisoner behind his back and his suspension from the ceiling, as well as the deprivation of sleep." (Mr. Ibrahim Khamis Shehada, witness no. 8, A/AC.145/RT.716)

460. A witness who testified before the Special Committee provided information about the rulings of Israeli courts that allow for practices amounting to torture to be used against Palestinian detainees:

> "It is true that after the Supreme Court of Justice of Israel legislated and allowed Israeli Intelligence the use of violence against Palestinian detainees, many cases of death among Palestinian detainees were the result. In effect, recently, a Palestinian died in prison. He had been tortured by the Shabak, the Intelligence Services in the Israeli prisons. His death was the result of torture. His name is Khaled Ali Abu Daya, 37 years of age. He was detained in Moscobiya prison in Jerusalem.
>
> "What takes place now is that Palestinian detainees submit petitions asking that torture against them be halted. But the court in Israel refuses the petitions, allows torture and gives freedom to the investigators in Israel to continue with torture.
>
> "Constantly, the Supreme Court has rejected the petitions and allowed a free hand to the investigators to continue the torture of Palestinians in prison.
>
> "The Supreme Court in Israel has always justified the use of torture (allowing the Israeli Intelligence investigators to use violence and violent shaking of the prisoners) by saying that these detainees are extremely dangerous and have information that threaten the security of Israel and that such information has to be obtained by any and all means, including violence and violent shaking - a method that has led to the death of a number of Palestinians.
>
> "The Supreme Court of Israel has very clearly declared that Israeli Intelligence officers are allowed to use violence and violent shaking towards the Palestinian detainees. This principle has been supported at the political and legal levels in Israel. It is the legislation by the highest judicial authority in Israel and this is the justification that is given any time a Palestinian sends a petition." (Anonymous witness no. 9, A/AC.145/RT.717)

461. The witness proceeded to describe in detail the circumstances of the death of a 37-year-old Palestinian prisoner:

> "I was speaking about the death of a Palestinian in an Israeli prison and more precisely about Khaled Ali Abu Daya, 37 years of age, the father of five children, who was arrested and detained by Israeli soldiers in Jerusalem on 14 May 1997. He was taken to a detention centre. He was questioned and after investigations, at a date that was not determined, he was taken to an Israeli hospital and from there to another hospital. During his stay at the hospital, he was beaten until he died. The body bore marks of brutal beating, with heavy instruments; his feet and his hands bore signs of shackles; there were several fractures in his body; 15 to 20 centimetres on one side of his face had marks of a fracture from a heavy implement; deep wounds on the right shoulder; ribs 5, 6, 11 and 12 were broken; and heavy internal haemorrhage." (Ibid.)

462. The Special Committee was informed about the most recent cases of death in Israeli custody:

> "As regards death in prison, there were three cases so far in 1997. In the case of detainee Mahmoud Hamoudeh Adwan, 42 years, from Shaboura, Rafah camp, a Palestinian doctor, Dr. Jalal Jabiri, represented the Mandela Institute at the autopsy and concluded that the cause of death was suffocation due to lung failure because of acute asthma. The doctor said that otherwise his health condition was good and that normally an asthma patient would not have died if he had been given the proper treatment in time.
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> "Detainee Omar Ibrahim Faraja, from Selwan, died in prison at the age of 32 years on 6 February 1997 in Ayalon prison in Ramla. When his family saw him, they noticed marks of knives, he had been hit on the head with a heavy instrument. He also had knife marks on his back.
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> "A third case of death occurred. The victim is Khaled Ali Ayesh Abu Dayah. He died because of the violence he was exposed to. He was arrested on 16 May 1997 and he died on 21 May 1997. The cause of death was a psychological, nervous shock resulting from extreme pain because of the torture to which the detainee was exposed." (Mrs. Dokmak, witness no. 24, A/AC.145/RT.722).

463. The representative of B'tselem, the Israeli Information Center for Human Rights in the Occupied Territories, provided additional information regarding death in custody:

> "About two weeks ago, an ordinary citizen was arrested. He was not arrested for any security reason, but because he had forgotten his ID card! He was on his way to perform prayers at the Al-Aqsa Mosque when he was stopped and asked to show his ID card. He said that he had forgotten it at home. He was arrested and detained at Moscobiya prison in Jerusalem. Then, he was transferred to hospital. Why would the police transport a detainee from the prison to the hospital? It is obvious that this person must have been beaten, severely, or he must have had serious heart problems! But beforehand, he was walking, walking to the Mosque. He was 38 years old, in good health. So, what does it mean? Why did they have to rush such a person to hospital? He died in hospital. This is the latest

> of the martyrs to die because of ill-treatment in prison." (Mr. Najib Abu Rokaya, witness no. 29, A/AC.145/RT.722)

464. A former prisoner described to the Special Committee how the treatment he was subjected to resulted in his current serious eye condition:

> "I was in prison. I was beaten and badly treated and my illness is the result of the bad treatment and the beating I received in prison. It was the Israeli doctor who told me that it is on account of the beating that I got this problem with the retina.
>
> "After the investigation and the questioning, I found out that I could not see very well any more and there were blood vessels appearing in my eye. For a period of about five months, I asked to see a doctor and to be examined. They used to take me to a doctor who would check my blood pressure, weigh me and send me back. That was inside the prison itself.
>
> "They used to tie my hands behind my back. I was sitting on a small stool, with a bag on my head. There were these soldiers who would kick me with their feet or hit my head against the wall. You would not know exactly what it was that hit you and you wouldn't know from which side it would come.
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> "Four surgery operations were performed because of the retina." (Anonymous witness no. 5, A/AC.145/RT.715)

465. The Special Committee was informed about the conditions of detention of Palestinian prisoners and the measures taken by the Israeli authorities to quell their protests in that regard:

> "Regarding now the treatment of detainees in prison as regards their daily life, I would like to say that Palestinian detainees suffer because of the overcrowding, because of insufficiency of food, of insufficient medical care, of bad heating and bad hygiene conditions. The Palestinian detainees in the Israeli prisons live in a state of suspended death. These bad conditions have often compelled them to engage in strikes during their stay in the prisons and the detention centres. Those protests have often been broken by the Israeli forces and the Israeli prison administration authorities through the use of violence, in order to suppress such protests inside the prisons.
>
> "For example, on 19 March 1997 in the Megiddo prison, the prison administration authorities used unnecessary force against the Palestinians, utilizing tear-gas, hot-water hoses, rubber bullets. As a result, fire broke out in a number of camps and tents in which the Palestinian detainees are kept and damage was done to their personal property. The force used against them resulted in injuries for many of them and many were also beaten. Ten of them had to be taken to hospital.
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> "The insufficiency of medical services in Israeli prisons resulted in a case of death in Bir Al Sabah prison on 12 January 1997, that of Riyad Mahmud Hamuda Adwan." (Anonymous witness no. 9, A/AC.145/RT.717)

466. A former prisoner described the medical treatment received by detainees:

> "Medical care is extremely bad. A prisoner who is sick would prefer not to ask for anything for fear of getting worse because of the treatment he would get, whether on purpose or otherwise. I personally never went to the clinic in prison, because I knew that the treatment I would get might be more harmful than helpful. I had no confidence. We witnessed many cases of diseases aggravated. Some people died in prison as a result of wrong or bad medical treatment.
>
> "The purpose is either to aggravate the situation or to try and recruit collaborators, whether sick or otherwise. The idea is to use the illness of the prisoner to exert pressure on him by saying 'We'll treat you, if you cooperate'. And of course, you are given Akamol, the pain-killer." (Anonymous witness no. 17, A/AC.145/RT.720/Add.1)

467. The representative of the Mandela Institute described the particularly harsh conditions of detention prevailing at the Megiddo detention centre:

> "There are many insects and bugs in the prisons and detention centres, especially in Megiddo, where the detainees live in tents. This last May, the detainees from Megiddo wrote a letter to our Institute in which they explain their situation and the problems they face in summer when there are particularly many insects, bugs and snakes. They complain about the humidity and the temperature. They suffer from extreme heat, so much so that they feel as if they were living in greenhouses. However, the administration has refused to supply ventilators to help relieve the prisoners from the pressure of the heat. Some prisoners have been bitten by snakes and scorpions." (Mrs. Dokmak, witness no. 24, A/AC.145/RT.722)

468. A lawyer informed the Special Committee which categories of persons are allowed by the Israeli authorities to visit prisoners:

> "They have limited the categories of people who are entitled to visit prisoners, limited to the father, the mother, brothers and sisters below the age of 14 and over the age of 40. And even those who are permitted to visit are required to obtain prior authorization, which, in many instances, is not given for security reasons and without any explanations given." (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

469. The representative of the Mandela Institute provided the Special Committee with additional information concerning solitary confinement:

> "Regarding solitary confinement, there are 53 detainees held in solitary confinement in Ashkelon prison and their conditions of imprisonment are extremely difficult. The cells are not bigger than one to one and a half square metres, the windows are totally sealed and there are no toilets. They have to go out for their needs. The detainees are allowed out only with chains on their hands and their feet." (Mrs. Dokmak, witness no. 24, A/AC.145/RT.722)

470. The representative informed the Special Committee about administrative detention:

> "The person is usually given six months. At some point, there is a court of appeal. In the court of appeal, there is a secret file from the Israeli Intelligence Services and in most cases, there is a renewal, because, of course, the judgement is that of the Intelligence Services. This is administrative detention.
>
> "In August 1996, administrative detainees refused to go to the appeal courts, because it leads to nowhere and there are no results. This is because there is this secret file with secret information that is presented to the judge and therefore the extension takes place!
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> "In the case of administrative detention, the detainee and the lawyer are not aware, have no knowledge of the secret information contained in this file. The only fact you know is that you are a detainee and you are active in this or that organization. The defence lawyer is not aware of the contents of the secret file. And the extension takes place! That is why, in August 1996, the administrative detainees boycotted the courts of appeal.
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> "Regarding the question of administrative detention, the total number of administrative detainees amounts to 261. That is to say that 63 per cent of the detainees have had their terms of detention extended." (Ibid.)

471. Testimonies relating to the treatment of detainees may be found in documents A/AC.145/RT.715 (anonymous witness), A/AC.145/RT.716 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.717 (anonymous witness), A/AC.145/RT.720 (Mr. Khaled Mahmud Quzmar), A/AC.145/RT.720/Add.1 (anonymous witness) and A/AC.145/RT.722 (Mrs. Dokmak and Mr. Najib Abu Rokaya).

Written information

472. On 7 May 1997, it was reported that the director of El-Ahali Hospital in Hebron had been detained in Ashkelon prison for a month without any charges. Dr. Samir el Kaddi, aged 42 and from the village of Tsurif, was arrested on 10 April on orders signed by OC IDF troops in the area and was taken for a GSS interrogation at Shikma prison in Ashkelon. Following an appeal to the High Court of Justice by Lawyer André Rosenthal, the GSS announced that it had stopped interrogating Dr. el Kaddi through the use of torture. In the appeal, Dr. el Kaddi complained of being placed on a low stool in a painful position; of being given only five minutes a day for eating and going to the toilet; of being handcuffed so tightly that his hands had swollen; and of not being given time to pray. Despite the fact that his interrogation was interrupted, Dr. el Kaddi continued to be held in administrative detention in Ashkelon prison.
Dr. el Kaddi's relatives stated that they were not allowed to visit him. There are reportedly some 280 Palestinian administrative detainees in Israel. Some of them have been detained for the fifth consecutive year without standing trial. (Ha'aretz, 7 May)

473. On 11 May, it was reported that a 51-year-old Palestinian political activist from Hebron had started a hunger strike five days earlier, demanding that he be released from administrative detention. The detainee, who was associated with the PFLP, was arrested on 28 April at an IDF roadblock. A four-month administrative detention order was issued against him stating that he posed a security threat to the area. The detainee reportedly suffered from high blood pressure as well as heart and kidney disorders. He had been under administrative detention during the intifada but was released in 1990 for health reasons. (Ha'aretz, 11 May)

474. On 14 May, 18 prisoners in Nafha prison were injured after a group of 50 masked Israeli soldiers from the Special Forces attacked them. This was the second incident of its kind at Nafha in less than a month. The incident began when the prison authorities carried out a provocative inspection tour of the prison's new wing, which prisoners resisted, according to eyewitness Atiyeh Salem Abz Musa. Eighteen prisoners were tied up by the soldiers who then proceeded to beat them with truncheons before hosing them down with ice-cold water. They also smashed their television and radio sets and cut off their water and electricity supply. Fifteen of those prisoners were subsequently transferred to isolation cells at Beersheba prison. (The Jerusalem Times, 16 May)

475. On 21 May, a 35-year-old Palestinian from Bethlehem, Khaled Abu Dayyeh, was alleged to have been killed in Sha'are Zedek Hospital in Jerusalem, according to an Israeli witness. According to an eyewitness report from a Reuters photographer who was present when the body was handed over to the family, Abu Dayyeh's skull had been crushed, his rib cage appeared to have caved in and his hands and feet looked as though they had been broken. A statement published by the Al Haq organization indicated that Abu Dayyeh had been detained on 16 May while he was praying at the Al-Aqsa Mosque in Jerusalem. The Israeli authorities claimed that they had arrested him for not carrying his identity card. Al Dayyeh was the holder of a Jerusalem identity card. On 19 May, the report continued, Abu Dayyeh telephoned his family from Sha'are Zedek Hospital to inform them that he had been beaten by Israeli security officers and had sustained a neck injury as a result of the beating. His family was not allowed to visit him. On 21 May, the police informed the Abu Dayyeh family that he had been found dead in his room after having committed suicide. A medical report based on an autopsy conducted by Palestinian pathologists at the Beit Jala Hospital stated that Abu Dayyeh had died as a result of violent torture. (The Jerusalem Times, 30 May)

476. On 29 May, a B'tselem report charged that since the Oslo Accords, the length of administrative detention had increased dramatically and that 249 Palestinians were currently being held in Israeli jails without charges. The report indicated that one detainee was serving his eighth six-month term, 11 others were serving their sixth term, while more than half of the detainees had seen their terms extended at least once. The report stated that such a phenomenon was unprecedented since even during the intifada detainees had seldom been held for extended periods. The IDF spokesman stated in response that administrative detention was applied only when the area commanders saw a "serious and clear danger". (Jerusalem Post, 29 May)

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477. On 29 May, a suspected "terrorist" proved his allegations in the High Court of Justice when he showed the justices what he claimed were wounds inflicted by his interrogators. The man requested that the Court order the GSS officials attending the hearing to leave the courtroom so that he could talk freely, saying that he feared them. After the request was granted, he showed the justices wounds along the length of his arms. He then showed his ankles, which were also swollen. According to the man, his handcuffs had been tightened in order to prevent blood from flowing through his arms. He also stated that his hands had been injured when he was kicked and dragged on the ground. He charged that his interrogators had placed a chair on his chest and jumped on it and prevented him from sleeping sufficiently. He also complained that the prison doctor had refused to treat his wounds. The justices ordered the Head of the Police Investigation Department of the Ministry of Justice to submit its conclusions regarding the allegations within 10 days. However, the justices rejected the defendant's appeal to order the GSS to stop torturing him after the GSS representative had informed them that no interrogation methods of the kind the defendant had complained about were being used against him for the time being. (Ha'aretz, Jerusalem Post, 30 May)

478. On 9 June, the Attorney of the Al Dameer Institute, Tamara Bilek, announced that the Israeli authorities had moved 90 administrative detainees from Megiddo to Damoun prison. Bilek stated that the 90 detainees had been placed in four rooms, in insalubrious and constricting conditions. (The Jerusalem Times, 13 June)

479. On 13 June, administrative detainees who had been transferred a week before from Megiddo prison to Prisons Service facilities complained of a substantial deterioration in their detention conditions. The detainees complained that visit permits had been rescinded because of the transfer and that the prolonged process of their renewal had already resulted in the cancellation of visits. On 5 June, 50 detainees were transferred from Megiddo to Sharon prison and on 8 June, 100 were transferred to Damon. Some 100 detainees were left in Megiddo, apparently because their period of detention would not be extended. Hisham Abed A-Razek, a member of the Palestinian Legislative Council and of the Palestinian Authority Committee for Prisoners' Affairs, stated that the objective of the transfer was to separate the detainees in order to prevent them from continuing to form "pressure groups" against the extension of their detention. An Israeli source denied the allegation, stating that the transfer came as a response to "complaints that the prison authorities had granted the detainees more rights than what is acceptable". It was reported that while in Megiddo, the detainees were being held in tents and could therefore have access to walking space and open air. In Sharon prison, they were held in four separate small rooms without natural light or free circulation of air. (Ha'aretz, 13 June)

480. On 24 June, the 83 Palestinian administrative detainees held in Damon prison staged a hunger strike to protest against the deterioration in their conditions of detention. The detainees complained that since their transfer some two weeks earlier from the military police detention facility in Megiddo to Damon prison, which is run by the Prisons Service, they had been given bad food, denied newspapers, cigarettes and access to the canteen. In addition, there were long delays in the supply of toilet paper. The detainees announced that

they would continue with their protest until their conditions of detention improved. In a show of solidarity with the detainees, more than 100 demonstrators, including Palestinian public figures and detainees' relatives, staged a protest march from the Bureij Town Hall in the direction of Ramallah. (Ha'aretz, 25 June)

481. On 6 July, the Hamas movement expressed its concern over the health of its spokesman in Ramallah, Sheikh Hassan Yusef, and demanded his release. In a statement, Hamas held Israel responsible for the Sheikh's health condition, which it claimed had deteriorated since he was affected by rheumatism owing to his difficult detention conditions. Sheikh Yusef had reportedly been arrested by the Israeli police on 3 April near the Allenby (King Hussein) Bridge and sentenced to four months' imprisonment in Megiddo prison. The IDF did not respond to the demand by Hamas or issue a statement on the Sheikh's health condition. (Ha'aretz, 7 July)

482. On 9 July, the Palestinian Prisoners' Society reported that 20 prisoners detained in Nafha prison in the Negev had been poisoned by spoilt food. Forty prisoners had also to be rushed to hospital three months earlier after they had eaten spoilt food. (The Jerusalem Times, 11 July)

483. On 11 July, it was reported that the Israeli Ministry of Health had been issuing permits to pharmaceutical companies at the rate of 1,000 per year so they could try out new medicines, using Palestinian prisoners as guinea pigs. This was disclosed by MK Dalia Itzik, who heads the Science Committee of the Israeli Parliament. The official in charge of the pharmaceutical division at the Ministry of Health noted a 15 per cent increase in 1997 in the number of permits issued for the testing of dangerous new drugs on Palestinian prisoners as well as on Israeli Arabs serving prison sentences. (The Jerusalem Times, 11 July)

484. On 18 July, it was reported that four Palestinian administrative detainees in Damon prison had staged a hunger strike for more than a week in protest against their continued detention. The detainees demanded that the Israeli authorities either place them on trial and disclose the evidence against them or release them immediately. One of the detainees had been arrested on 29 November 1995 and had had his administrative detention extended five times. Another detainee was arrested on 23 July 1995 and the other two on 6 and 7 October 1996. All four refused to appeal against the continuation of their detention on the grounds that even during appeals, confidential material was presented against them, thereby preventing them from defending themselves. (Ha'aretz, 18 July)

485. On 23 July, Palestinian prisoners held in Israeli jails began a hunger strike demanding that they be released in accordance with the Cairo Accords. Merchants throughout East Jerusalem closed their shops in solidarity with the Palestinian prisoners. (The Jerusalem Times, 25 July)

486. On 24 July, the Public Committee Against Torture appealed to the High Court of Justice to ban the GSS from torturing a Palestinian Police colonel and three other Palestinian policemen who had been detained 10 days earlier on charges of planning to or carrying out attacks against settlements. The High Court was

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also requested to rescind a GSS ban prohibiting the detainees from meeting with a lawyer. Three of the detainees were reportedly being held at Kishon prison while the forth was hospitalized in a GSS clinic for gunshot injuries he sustained during his arrest. (Ha'aretz, 25 July)

487. On 3 August, it was reported that dozens of Islamic Jihad and Hamas activists who had been arrested during the previous two days in the territories were being interrogated. (Ha'aretz, 3 August)

488. On 7 August, it was reported that according to the Jerusalem-based Centre for the Protection of the Individual, out of the more than 100 Palestinians who had been arrested by the security forces since the Mahaneh Yehuda suicide bombing attack, 24 had been placed under administrative detention. The Director of the Institute, Dalia Kirshtein, stated that since the Mahaneh Yehuda bombing, the Centre had received numerous complaints of violence used by the security forces against detainees and their families. She stated that a serious phenomenon of "wholesale" administrative detentions existed, explaining that Palestinians were being thrown in prison without trial, apparently because the security forces did not know who had placed the bomb in the Mahaneh Yehuda market. (Ha'aretz, 7 August)

489. On 12 August, it was reported that some 140 Palestinians who had been arrested by the security forces in the West Bank following the Mahaneh Yehuda attack were in administrative detention. Prior to the 30 July suicide bombing in Jerusalem, there were some 280 Palestinian administrative detainees in Israeli detention facilities. With the current wave of arrests, their number had increased by 50 per cent, amounting to 420, the highest number of administrative detainees since the beginning of the implementation of the Oslo Accords in May 1994. Palestinians were issued with administrative detention orders ranging from one to two months, which were liable to be extended by the security forces. Lawyer Dan Yakir, legal adviser for the Association for Human Rights in Israel, stated that the Association viewed the current wave of arrests as a grave phenomenon, which constituted a violation of human rights. "This is detention without trial, precluding any possibility of a proper procedure and denying the detainee or his lawyer access to the evidence against him", he charged. (Ha'aretz, 12 August)

490. On 15 August, it was reported that following the latest detention campaign, there were 420 administrative detainees held in Israeli jails, 140 of whom were Palestinians from the West Bank detained in the wake of the double suicide bombing in Jerusalem on 30 July. (The Jerusalem Times, 15 August)

491. On 18 August, it was reported that a Palestinian detainee had been shackled to his bed on the orders of the security forces while undergoing treatment for anaemia and diabetes at Hadassah Hospital in Jerusalem, despite appeals by the Hospital to the security authorities to remove the shackles. The Physicians for Human Rights Association condemned the shackling of the detainee, stating that the examination, treatment or hospitalization of a shackled patient constituted an ethical offence as well as a breach of the Rights of Patients Law. The Association noted that there were other ways to prevent a detainee from escaping such as increasing the security around him. The Director-General of the Hadassah Medical Organization had protested a year earlier against the shackling

of security prisoners to their beds during treatment and a special Ministry of Justice committee had been established to examine the issue. Although the committee had not yet issued its final recommendations, it had apparently reached the interim conclusion that it was up to the doctor to decide if handcuffing a patient could endanger his health and interfere with his medical treatment, in which case he was not to be bound. In the latest case, the detainee, who suffered from the blood disease thalassaemia, had refused to take his medication and had therefore been taken to the Hospital for treatment. He was bound to his bed but doctors stated that this humiliation did not affect his treatment. He was reportedly discharged from the hospital on 19 August and returned to the prison. (Ha'aretz, 18 August; Jerusalem Post, 20 August)

E. Annexation and settlement

Oral evidence

492. Mrs. Lynda Brayer, the Executive Legal Director of the Society of St. Yves, updated the Special Committee on the situation of the Jahalin Bedouin tribe who had been evicted from a site adjacent to the Ma'aleh Adumim settlement near Jerusalem, in order to allow for its expansion. She described the "housing facilities" that the Jahalin received from the Israeli authorities upon eviction:

> "You have just seen pictures of the ship containers that were provided (I might say granted!) to about 80 per cent of the families moved. Now a ship container is only a ship container. No stretch of the imagination nor its actual physical make-up can turn a ship container into what is called a pre-fab home, because, first of all, it only closes from the outside. If you are inside and it is closed from the outside, you can never get out. If somebody locks you in, what can you do? There are no windows. There is no provision for air to enter. It is of course not insulated at all and is a piece of iron or steel and thus totally exposed to the elements.
>
> "Many of the people themselves have actually dispersed themselves amongst other families, because it is so terrible in the alternative site." (Mrs. Lynda Brayer, witness no. 14, A/AC.145/RT.719)

493. Mrs. Brayer pointed to the contrast of this measure with the arguments used by the Israeli authorities to demolish Arab housing in other areas:

> "There is a strange irony, because the Israelis are allowing them to put up these corrugated iron tents, whereas in another part of the West Bank of area C, they are issuing demolition orders against Bedouin and against Palestinians who are living in exactly the same conditions, with tents, on the grounds that these shacks and tents have been put up without building licences.
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> "In other words, I am showing you that it is totally arbitrary. Totally arbitrary." (Ibid.)

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494. Mrs. Brayer provided the Special Committee with a historical account of the issue of land and dwelt in particular on the concept of "state land":

> "As you know, in all countries of the world, you might have *jus soli*, which awards citizenship rights to the people born in the country, or *jus sanguinis*, which means the descendants of people who have citizenship in a country. Palestinians have neither.
>
> "However terrible these things are - and they are terrible, I am not underestimating them - the main thrust of the Israeli administration, as it was in Israel and as it is in the West Bank and Jerusalem - is the drive for land.
>
> "What I want to talk to you about now is state land. It is not an incidental subject, because until today 70 per cent of the West Bank has been designated state land and 93 per cent of the land inside the State of Israel, the Green Line proper, is also designated state land.
>
> "What is the problem? And I shall concentrate on the West Bank. There is no such thing as state land in law.
>
> "The British, and then the Jews subsequently, decided to use categories, legal categories that they took from the West, from England, and insert these into the Ottoman land law code, totally inappropriately, either understanding what they were doing, in order to dispossess, or not understanding.
>
> "If I say that in Muslim law, you have to till arable land, I am not talking about ownership. It is not a question of ownership. It is the question of the use that is made and the desire that the land will be tilled. Possession or ownership are incidental to the cultivation of the land, the production of food and the taxes.
>
> "So, what has come about now?
>
> "They don't use the term 'arable land'. The Israelis have done the following: first of all, they have insisted on confusing two legal statuses of land. And now I am going on to something else, to the question of the settlement of land, land settlement.
>
> "Land settlement is the modern form of land registration.
>
> "The Israelis said that when it came to the question of state land, they would not recognize tax registration as reflecting ownership of land. And they did the following. They affirmed land to be state land according to military orders (No. 58, art. 2 (c)). The military commander declared land to be state land. He affirmed it. He then said that if there were objections, the people who claimed to be the owners must come to military committees (also created through military orders, obviously) and the person claiming that the land was his had to prove cultivation according to article 78 of the Ottoman land code.

"But what have they done? Article 78 was about a claim to adverse possession. In other words, somebody says that he had used the land for 10 years and he initiates - not the Government - he initiates the process. He comes to the tax registry and says that he has cultivated the land for 10 years, so he asks for a 'tabu'. His neighbours would come and give evidence that this is true and then, he could have a tabu. But the 10 years is dependent upon the cultivator.

"The Israelis come along and say that first of all, they will not register your document of registration, because they do not recognize the registration of unsettled land as reflecting ownership. I do not know where they got that from. It is from nowhere, no law, no justification, nothing. It would mean that everywhere in the world where there is no modern system of registration, there is no such thing as land ownership! That is surreal!

"Then they say: 'We will determine the 10-year period, the 10 years when we declare it to be state land, and you have to prove that you cultivated it for the 10 previous years'.

"Now, listen, it is very interesting. They really started to do this in the beginning of the 1980s. But what had happened before that?

"There were military orders that declared huge swathes of land to be closed military areas. So you could not go into your land. You could not plant one item without getting a permit from the military commander. You did not get them. You could not cultivate. In many cases.

"And so what do we understand if this is the law that governs? Now, I shall tell you what that means: you cannot take the land out of the village in effect. Correct? But what have the Israelis done? They declare it state land. Palestinians usually cannot prove that they have cultivated it, for the reasons I have given. Then they take it out of the hands of the village, not for cultivation, because, after all, they do not define it as arable land, and then they give it to Jews to build their settlements or, at best, to create land areas that may not be used by non-Jews.

"What they have done is in fact a combination of expropriation and confiscation. They have dispossessed the people and the people have also had to forfeit their wealth. Wealth has been forfeited to the State, they have just taken it and not paid for it. You also understand that it is extremely important having invented such a term, because by saying they will not recognize tax registration, they also deny the fact that land owned through tax registry is a market commodity. They deny the fact that it is a market commodity and therefore do not have to buy it and pay for it. But, once they put their hands on it, it does become a market commodity when they give it out to the Jews, because people then have to buy that land (reduced rates of course!). And enhance it, improve it, and add value to it when they build homes on it." (Ibid.)

495. Mrs. Brayer provided the Special Committee with insight concerning the issue of sale of Palestinian-owned land to Jews, which had gained topicality during the current reporting period:

> "When Palestinian land is sold to Jews, the land is considered 'redeemed'. This is called 'redemption of the land'. It does not matter in which way it gets into Jewish hands. It is a religious term from the Talmud and it ties into the concept of Palestine being the promised land, to Jews, from God. It also means that once land is put in a Jewish name, whether in the name of the Jewish State or of a private Jew, it can never be allowed out of Jewish hands ever again. According to the regulations of the Jewish National Fund, which bind the Israel Land Authority, the State of Israel, the Jewish State of Israel, holds the land in perpetuity for Jewish people all over the world as well as in Palestine. Therefore, there is no free market for land. A Palestinian may never receive long-term leasehold. Jews get leasehold on state land in Israel. A Palestinian may never be given it because he is not Jewish.
>
> "Therefore, what happens in fact when land is transferred through Palestinians, deliberately, to Jews, is that actually they are not selling a piece of land. They are selling their birthright, the birthright to the land of their forefathers. And once, as I said, the Jews acquire it, that is it. Palestinians cannot touch it.
>
> "You also understand that this is precisely the nexus of the conflict between the State of Israel and Palestine." (Ibid.)

496. A lawyer from Jerusalem explained to the Special Committee what happens to the taxes collected from the Arab inhabitants of East Jerusalem:

> "A report published in Ha'aretz, the Israeli newspaper, on 4 May 1994, states that only 2 per cent of the budget of the Israeli Municipality of Jerusalem is spent on the east side of Jerusalem, which is the occupied part of Jerusalem, although large sums of money are collected in the form of taxes from the Arab inhabitants of East Jerusalem. As I say, only 2 per cent of these large sums of money is spent for the Palestinians and 98 per cent is being spent on the Israeli settlements and projects." (Mr. Ahmad Rwaidy, witness no. 15, A/AC.145/RT.720)

497. He described the Israeli policy of land confiscation and settlement building in and around Jerusalem:

> "In addition to that, the Israeli authorities have confiscated land from the Arab inhabitants of Jerusalem itself, like for instance the confiscation of 71 per cent of the total area of East Jerusalem, until 1996. Thirty-four per cent has been confiscated in the 'public interest', as they say as a pretext, and 40 per cent have been confiscated as 'green land' and 'military areas', according to the information published in the newspaper Al-Quds on 31 July 1996.
>
> "In addition to the confiscation of Arab land, the Israeli authorities have started several settlement activities inside East Jerusalem. They

> have included the extension of the Jewish area in the Old City, where the Bab Al Marba suburb was demolished and 5,500 Arab inhabitants of the quarter displaced. And in its place, the Israelis built a new Jewish quarter. Fifteen new settlements have been added to East Jerusalem, in addition to 17 residential quarters for the Jews (also until 1996).
>
> "Israel has utilized a number of ways in order to confiscate those houses, such as making use for instance of the 'law of absentee landlords'.
>
> "A number of houses have been purchased from people other than the actual owners with forged documents and forged papers." (Ibid.)

498. The lawyer provided the Special Committee with the following information concerning the expansion of the Ma'aleh Adumim settlement:

> "Not contenting itself with the taking over of these houses, Israel started confiscating land around the settlements already built, so that it could add new settlement buildings for Jews to live there, on Arab land, and the owners themselves are not allowed to live there. Let me give you the example of the settlement of Maaleh Adumim, where an area of 12,443 dunums has been added to the total area of the settlement from land pertaining to the five villages of Anata, Abu Dis, Eizariya, Eissawiya and Dhor, so that the total area of the settlement is now 60,000 dunums." (Ibid.)

499. He described the impression of Palestinians concerning the expansion of settlements and construction of bypass roads by the current Israeli Government:

> "Under the right-wing Government, the process of land confiscation and settlement building has been accelerated, as if they were operating in a race against time. They started confiscations in order to expand existing settlements and also to build new settlements or by-pass roads - roads that have literally swallowed the remaining Palestinian territories." (Mr. Khaled Mahmud Quzmar, witness no. 16, A/AC.145/RT.720)

500. A witness described the hardships concerning the movement of Palestinians in the vicinity of settlements and bypass roads:

> "There are Israeli roadblocks that paralyse movement inside the West Bank. If there is an Israeli settlement between two villages, there are military roadblocks and people are not allowed to go through with their cars. If they have to go to the other village, they have to take a detour far from the settlement, or they just go back. They cannot cross the settlement or the road servicing the settlement." (Anonymous witness no. 22, A/AC.145/RT.721)

501. Another witness also spoke about bypass roads and the wastes from settlements affecting Palestinian agglomerations:

> "Kalkiliya is surrounded by settlements. The settlers have taken land from Kalkiliya. They have taken agricultural land from our villages. They have built a road in the middle of Arab territory. Whenever they build a

> road, they consider the area to be Israeli territory." (Anonymous witness no. 23, A/AC.145/RT.721)

502. The representative of the Palestinian Society for the Protection of Human Rights and the Environment described to the Special Committee how the Israeli authorities go about confiscating land with the ultimate aim of using it for the building of Jewish settlements:

> "The first procedure is that, when setting up plans, the Municipality declares land owned by Arabs 'green land' where no constructions are allowed.
>
> "The Municipality draws up some plans for the area under its control and in these plans, it determines the regions, the zones where construction is allowed and the zones where construction is not allowed.
>
> "And in East Jerusalem remains a zone in which no construction is permitted, until it is confiscated. Once it is confiscated, construction is allowed for the benefit of the Jewish immigrants. They build settlements. If any Arab builds a house in this zone, he builds it without a licence, without a permit from the Municipality and that is why the Israelis demolish the house.
>
> "As soon as the land is confiscated from the Arabs, the Municipality of Jerusalem changes its structural plan for the area confiscated and in the new plan it turns this area into a zone where construction is permitted. This is done at the request of the Israeli settlement companies, which apply to get permission to build on these plots.
>
> "The confiscation of buildings is different from the confiscation of land, and is also different from the demolition of houses built without a permit. The confiscation of houses takes place in the Arab zones surrounding the old part of Jerusalem, particularly in the area of Selwan, which runs parallel to the walls of the Old City. So far, the Jewish settlers have confiscated about 18 houses in Selwan.
>
> "The land that has been confiscated since the beginning of 1997 in order to expand existing settlements and construct new by-pass roads amounts to 30,000 dunums." (Mr. Shawqi Issa, witness no. 25, A/AC.145/RT.722)

503. He described the huge discrepancies regarding the drawing up of zoning plans between Jewish and Arab-populated areas:

> "Whenever they establish new settlements on land confiscated from the next Arab village, the Israelis make then a zoning plan for the settlement and a year later, they expand the territory of the settlement in the zoning plan by taking more land from the next Arab village.
>
> "I can give an example here. A settlement called Efrat was established in 1979 on lands belonging to an Arab village called Al Khader. As soon as they established this settlement, they made a zoning plan

> covering all the needs of the settlers for their constructions. After that, every year they expanded the territory of the settlement, the last time being about 40 days ago when they announced a new expansion for the same settlement in which they are taking 4,000 dunums from Al Khader village. Now, the last time Al Khader had a zoning plan was in the 1940s. Since then until now, they have been trying to make new zoning plans for the village and all the time it is refused. (Ibid.)

504. Accounts of the annexation and settlement policy pursued by the Israeli authorities in the occupied territories may be found in documents A/AC.145/RT.719 (Mrs. Lynda Brayer), A/AC.145/RT.720 (Mr. Ahmad Rwaidy and Mr. Knaled Mahmud Quzmar), A/AC.145/RT.721 (anonymous witnesses) and A/AC.145/RT.722 (Mr. Shawqi Issa).

Written information

505. On 7 May 1997, it was reported that the Samaria (northern West Bank) Regional Council was planning to put 900 houses and apartments for sale in settlements throughout the region. The effort was to be preceded by a huge advertising campaign due to start in the following weeks. The Council spokeswoman, Ahuva Shilo, stated that the Council had received hundreds of calls from people wishing to live in the area. She stated that the houses on offer were built before 1992 and had been standing empty because of the construction freeze imposed by the former Government on Judea and Samaria (West Bank), but that they could now be put on sale since the freeze had been lifted. Ms. Shilo remarked that six weeks earlier, Regional Council members had returned from a trip to the United States where they met with potential new immigrants to Samaria. She stated that the Council leaders had been pleased to discover during their trip that many of the Jews they met with had responded positively. In a related development, the Secretary-General of the Peace Now movement, Mossy Raz, stated that building permits had been recently granted to many settlements, including 1,800 in Kiryat Sefer, 1,500 in Ma'aleh Adumim, 1,200 in Emanuel and 70 in Karnei Shomron. He also stated that the final approval for the construction of thousands of additional housing units was expected to be granted over the next few months. (Jerusalem Post, 7 May)

506. On 14 May, it was reported that the Ministry of Housing and Construction had issued a tender for the construction of an additional 500 housing units in the territories: 278 units were scheduled to be built in the Ariel settlement in Samaria and 222 units in the Alon Shvut settlement and in Gush Etzion. Peace Now reported that, according to its Follow-Up Committee on Settlements, some 14,500 settlers currently lived in Ariel. With the completion of construction of the apartments there, the number would rise to some 16,000. In Alon Shvut, the number of settlers was expected to increase from 1,853 to some 3,000, by two thirds. Peace Now accused the Government of insisting on accelerating construction in settlements at a time of political stalemate, of demolishing Palestinian homes (as many as 12 demolitions during the previous week) and of giving in to settler violence. (Ha'aretz, 14 May)

507. On 25 May, MK Dedi Zucker (Meretz party) accused the Government of confiscating more than 30,000 dunums of land in the West Bank for the expansion of settlements. In a detailed report submitted to Prime Minister Netanyahu,

Cabinet ministers and Mr. Zucker claimed that during the first five months of 1997, master plans had been speedily approved for numerous settlements and Palestinian land confiscated for future construction and large-scale development projects in settlements. Mr. Zucker estimated that if the current rate of land confiscation and approval of master plans continued, the scope of the settlements and of their inhabitants would increase substantially in two years' time. He indicated that all the land confiscations had been approved by Defence Minister Yitzhak Mordechai. He also observed that the Government's plan to allocate additional $300 million for bypass roads in the West Bank would require further massive land confiscation. (Ha'aretz, 26 May)

508. On 4 June, Peace Now reported that the Ministry of Housing and Construction had put out to tender the construction of 636 housing units in the settlements of Beitar (471 housing units), Karnei Shomron (110 units) and Ma'aleh Efra'im (55 units). (Ha'aretz, 4 June)

509. On 6 June, dozens of Palestinians staged a demonstration near the Morag settlement in Gush Katif against what they claimed was the confiscation by settlers of large swathes of land belonging to Palestinian farmers from the area. Demonstrations had already begun a week earlier when settlers erected a fence around their settlement in order to prevent infiltrators from getting in. (Ha'aretz, 8 June)

510. On 8 June, it was reported that the Ministry of Housing and Construction was considering the possibility of uniting the Lapid settlement, located near the Modi'in settlement, to the Givat Ehud settlement, thereby converting them into one settlement comprising 3,000 housing units located on both sides of the Green Line. The practical significance of such a merger would be the relocation eastward of the Green Line in that area. Even if the plan were not approved, a homogenous urban continuity would still be created in the area as a result of the expansion of the ultra-orthodox settlement of Kiryat Hasefer, which is currently under construction. Kiryat Hasefer, which is expected to comprise 25,000 housing units in the final construction stage, would expand in the direction of Lapid and Givat Ehud and, together with Modi'in, would result in the creation of one large urban centre. (Ha'aretz, 8 June)

511. On 8 June, the Civil Administration prevented residents of the village of Wadi Rahal from carrying out ground levelling work on land they claimed was theirs near the Efrat settlement. The Civil Administration also confiscated their bulldozer and its spokesman reported that the work was "illegal" and was carried out on "state-owned land". In a related development, the residents of the village of Tammun in the northern West Bank reported that the IDF had uprooted some 800 mostly olive trees and pulled down five tents housing seasonal workers near the village. The Civil Administration spokesman confirmed that the army had acted against Palestinians who had seized state-owned land in area C, which is under exclusive Israeli control. He stated that the Civil Administration had uprooted 278 trees planted by the Palestinians in order to create facts on the ground. He denied the tearing down of tents. (Ha'aretz, 9 June)

512. On 9 June, Prime Minister Netanyahu participated in a ceremony to lay the cornerstone for a new school of architecture in the Ariel settlement. (Jerusalem Post, 10 June)

513. On 10 June, Palestinians were enraged by a memorial unveiled in the Gaza Strip to IDF soldiers killed in clashes with the Palestinian Police in September 1996. The Palestinians claimed that the 1.5 metre-high stone memorial was erected on privately owned Palestinian land in the southern part of the Gaza Strip, which is under the jurisdiction of the Palestinian Authority. Maj.-Gen. Abed Razzak of the Palestinian Police called the act a clear provocation and demanded the immediate removal of the memorial. (Jerusalem Post, 12 June)

514. On 11 June, Israel confiscated Palestinian land at the Um Al Qaris near Rafah in the Gaza Strip, for the benefit of the neighbouring Morag settlement. Tension grew as the soldiers tried to destroy the 30 protest tents set up by the landowners. (The Jerusalem Times, 13 June)

515. On 13 June, the Palestinian Authority Cabinet issued a statement blaming the United States, the IDF and settlers for what it claimed was an explosive situation throughout the territories because of Israel's settlement aggression. Referring to an attempt to set up a monument and a fence around the Morag settlement in Gush Katif, the Cabinet accused the occupying army and settlers of seeking to reoccupy land that had been ceded and warned that the Palestinian masses would confront the settlements. A statement by the Office of the Coordinator of the Government's Activities in the Territories claimed in response that the fence and memorial had both been built on state-owned land and not in Palestinian-controlled territory. (Jerusalem Post, 15 June)

516. On 15 June, Peace Now reported that the Ministry of Housing and Construction had advertised a tender for the construction of an additional 74 housing units in the Beitar settlement near Jerusalem, thus bringing to 1,210 the number of housing units put out to tender in the territories since 1 May. (Ha'aretz, 16 June)

517. On 16 June, settlers from Morag and Gush Katif laid the cornerstone for the construction of a new neighbourhood in the area. Morag had been the scene of violent clashes and tension over the past week caused by the construction of a fence on land Palestinian residents claimed was theirs. The IDF denied the claim but Palestinians tore down the fence several times and set up protest tents in the area. (Jerusalem Post, 17 June)

518. On 21 June, the people of Issawiyeh, a village located north-east of Jerusalem, decided on a unique plan to save their land from confiscation. They declared that they would concede their rights to certain parts of their property for projects to benefit the Palestinian population at large, such as housing for young couples. The land includes four areas around the village and parts of Jebel Al Azwar where landowners continued to set up a camp for the second consecutive month on land targeted by Israel for expropriation. (The Jerusalem Times, 27 June)

519. On 26 June, officials from the Eli settlement in Samaria (northern West Bank) revealed that plans existed to turn the 300-family settlement into a town

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of 30,000. According to the Settlement Committee Chairman Lior Shtul, the plans, which had been in existence since the establishment of the settlement, envisaged the construction of 7,200 homes on an area of 30,000 dunums. Mr. Shtul stated that the construction would be carried out in stages, with intermediate plans allowing for the construction of 2,500 units. Earlier in the week, the settlement had launched an intensive advertising campaign, already offering 151 housing units for sale. (Jerusalem Post, 27 June)

520. On 2 July, IDF troops uprooted olive saplings that had been planted by Palestinians outside the hothouses of the Morag settlement. (Ha'aretz, Jerusalem Post, 3 July)

521. On 16 July, it was reported that the construction of the Har Homa settlement in East Jerusalem was continuing unabated. Since the Security Council started debating the issue in March, 1,850 dunums of wooded hill land had been cleared of two thirds of its pine trees and a system of roads and retaining walls was beginning to emerge on the site of the planned Jewish settlement. (Jerusalem Post, 16 July)

522. On 16 July, it was reported that thousands of housing units were being built in settlements throughout the territories. The Ariel Local Council head, Ron Nahman, stated that hundreds of apartments had been already sold in his settlement and that the OC Central Command, Maj.-Gen. Uzi Dayan, had approved plans for the construction of 1,000 additional housing units. The Gush Etzion Local Council head, Shilo Gal, stated that 220 apartments were under construction in the Alon Shvut settlement; 40 apartments were scheduled to be built in the Neve Daniel settlement; a new neighbourhood was under construction in the Tekoa settlement; and 20 apartments were being built in the Nokdim settlement, in addition to 110 in the Elazar settlement. Ma'aleh Adumim Mayor Beni Kashriel stated that some 2,000 apartments were under construction in his settlement, 89 per cent of which had been already sold. He also noted that plans for the construction of an additional 3,000 housing units had recently been submitted for approval by Defence Minister Yitzhak Mordechai. (Ha'aretz, 16 July)

523. On 18 July, Israeli bulldozers demolished several shacks belonging to the Jahalin Bedouins in addition to three other abandoned stone buildings, leaving 40 individuals homeless. The Israeli authorities explained that the Jahalin had set up their makeshift structures on land through which a new superhighway, Route 45, was to be built. (The Jerusalem Times, 25 July)

524. On 20 July, it was reported that the Civil Administration in Judea and Samaria (West Bank) had served a Palestinian man from Beit Sira with an eviction order, granting him seven days to leave his land on the grounds that it was state-owned property. His wife, who received the order, was told by a Civil Administration supervisor to go to Jericho. Two days after the issuing of the order, fire was set to 200 dunums of land where the Palestinian was growing wheat and barley. The Palestinian landlord expressed his conviction that Civil Administration supervisors were behind the act in order to drive him off his land. (Ha'aretz, 20 July)

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525. On 24 July, the Jerusalem Municipality approved the construction of several dozen housing units for Orthodox Jews in the heart of the Arab neighbourhood of Ras al-Amud of East Jerusalem. Officials in the Palestinian Authority expressed stupefaction at the Municipality's decision to approve the project. Faisal Husseini, the Palestinian Authority's senior representative in Jerusalem, stated that it was another serious provocation and another clear invitation for more clashes and for ending the peace process. Saeb Erekat called on the Government to revoke the plan, which he called disastrous. Chairman Arafat also attacked the plan, accusing Jerusalem Mayor Ehud Olmert of attempting to torpedo the peace process and undoing the achievements reached through European Union mediation. In an effort to subdue the protests, Prime Minister Netanyahu's legal adviser, Yitzhak Molcho, notified Chairman Arafat that Mr. Netanyahu was opposed to the housing project and would act to prevent it from getting under way. Mayor Olmert, however, dismissed suggestions that the Prime Minister could intervene to stop the construction of the Jewish neighbourhood. Mr. Olmert recalled that the project was endorsed by a municipal committee and had "legal validity". Cabinet ministers were of two minds with regard to the project, with some supporting Mr. Netanyahu's pragmatic approach and others contending that the Ras al-Amud construction was necessary in order to strengthen Israel's grip on sectors of Jerusalem claimed by the Palestinian Authority as its future capital. In a related development on 27 July, an appeal was filed against the construction in Ras al-Amud, blocking any building until a decision was handed down. (Ha'aretz, 25 July; Jerusalem Post, 25, 27 and 28 July)

526. On 24 July, Mayor Olmert declared that he had issued to the Jewish millionaire Irving Moskovitz a permit to build 132 housing units in the heart of the Ras al-Amud quarter of East Jerusalem, on land that Moskovitz had bought for the right-wing Ateret Kohanim movement. (The Jerusalem Times, 1 August)

527. On 25 July, the Israeli commander for the West Bank, Maj.-Gen. Uzi Dayan issued a military order for the confiscation of the home and surrounding land belongings to Abdel Majid Al Khatib. The property lies in the area known as Maqbarat A Siknaj (The Cemetery of the Jews), 150 metres away from the Tel Rumaidah settlement. Dayan stated that the house and land were needed for military purposes. (The Jerusalem Times, 25 July)

528. On 29 July, a new settlement called Yatir was officially inaugurated by the Israeli authorities south of Hebron. The settlement was initiated by 70 members of the Mafdal religious party. According to a member of Mafdal, Yatir is the first of a series of settlements to be built in that area. Two weeks earlier, the Israeli Ministry of Defence decided to convert the military camp of Hmeidat in the northern Jordan Valley into a permanent settlement. Scores of settlers from the Gush Emunim movement have moved in since. (The Jerusalem Times, 1 August)

529. On 31 July, the IDF destroyed 17 makeshift houses in the Beqe'a plain, in the Jenin area. Farmers from the village of Tamoun who use this land were handed notices to evacuate the area. Israel declared the plain a closed military zone. The plain of Beqe'a is a stretch of 98,000 dunums of particularly fertile land, capable of producing crops year round, during all four seasons. (The Jerusalem Times, 1 August)

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530. On 1 August, it was reported that according to MK Benny Elon (Molodet party), the construction of a Jewish neighbourhood in Ras al-Amud was part of a grand scheme to build hundreds of Jewish apartments and public institutions on large empty plots of land in the inner core of East Jerusalem. With his face glowing as he tried to describe the panorama envisioned in his mind's eye, Mr. Elon stated that there were empty tracts of land on the slopes of the hills overlooking the Old City and in the wadi below where Israel could create parks, public buildings and housing that would establish an uninterrupted Jewish presence in the area. According to Mr. Elon, these projects would guarantee that historic Jerusalem remained in Israeli hands "come what may". He cautioned that if Jews did not settle in all parts of the true historic core of Jerusalem, that is the Old City and the adjacent Palestinian neighbourhoods of A-Tur, Silwan and Wadi Joz, Jerusalem would end up divided along Road No. 1, which follows the old Green Line. (Jerusalem Post, 1 August)

531. On 7 August, the Jewish community of Hebron was informed by Civil Administration officers that it would soon be allowed to begin the construction of a new apartment building in the Avraham Avinu quarter. In the meantime, settlers were told that they could start work on the infrastructure for the building. Fifty Jewish families were reportedly living in Hebron. With the completion of the new apartment building their number was expected to increase by 20 per cent. Reacting to the plan, the Peace Now movement warned that it would have the same effect as "throwing oil on the burning flames of violence". Yasser Arafat's adviser, Dr. Ahmed Tibi, also condemned the plan, stating that at a time when Palestinian homes were being demolished throughout the West Bank and the siege on Palestinians was being tightened, including in Hebron, such a provocative decision would throw more oil on the fire. (Ha'aretz, Jerusalem Post, 8 August)

532. On 7 August, the Israeli Civil Administration in Beit El gave the settlers in Hebron the green light to build 50 housing units adjacent to the Avraham Avinu settlement in the heart of Hebron. The new housing complex is to be known as Beit Nahum. (The Jerusalem Times, 15 August)

533. On 11 August, it was reported that according to a survey by the Peace Now movement, 4,556 housing units were currently under construction in settlements in the West Bank, in addition to the 3,204 units whose construction had been completed but which remained empty. Peace Now indicated that the housing units could absorb up to 35,000 new settlers within a year, that would amount to a 25 per cent increase in the settler population. The Peace Now survey was carried out by 17 teams who visited 126 out of some 140 settlements in the West Bank. (Ha'aretz, Jerusalem Post, 11 August)

534. On 15 August, it was reported that Israel had begun clearing a path to pave the way for a new settler road that would run along a north-south axis from Kalandiya in northern Jerusalem, all the way down to the settlement bloc of Gush Etzion, south of Bethlehem. The road, to be known as Route 4, would pass through the Arab neighbourhood of Beit Hanina in the north and the village of Beit Safafa in southern Jerusalem. Route 4 would subsequently be connected to another road, Route 45. The latter would then link up with Route 80. According to the plan, Route 45 would affect the future of 15 Palestinian villages. Scores of houses would be demolished to make room for the road. In a separate

development, experts on settlement issues stated that there were plans to extend the Ma'aleh Adumim settlement on the eastern outskirts of Jerusalem by adding 3,000 housing units in order to raise the number of settlers in the area from 28,000 to 40,000. The housing units are to be built on land inhabited by the Rashaideh Bedouins. (The Jerusalem Times, 15 August)

535. On 15 August, according to a study published by the Planning Centre affiliated to the office of Yasser Arafat, it was reported that 33,000 dunums of land had been confiscated during the past six months by the Netanyahu Government. Some 16,000 dunums of land had been seized in the Jerusalem and Ramallah areas. Of those, 12,443 had been categorized as government land. The rest of the land, belonging to the villages of Abu Dis, Anata and A-Tur, had been confiscated to expand the settlement of Ma'aleh Adumim on the eastern outskirts of Jerusalem. The study, entitled "Settlement in the second half of the second year of Netanyahu's Government", added that 3,200 housing units had been built in 20 settlements throughout the West Bank over the preceding six months. An additional 4,000 housing units were in the process of being constructed in 34 settlements in the occupied territories. (The Jerusalem Times, 15 August)

536. On 18 August, it was reported that Civil Administration workers had uprooted 1,860 olive trees belonging to the residents of Kifl Haris, located in the north of the West Bank near the Ariel settlement. Residents stated that foreign workers from Romania and Nigeria had arrived on their land over the past days and uprooted the trees. One resident stated that the trees uprooted from his land were 5 to 13 years old and that the land had belonged to his family for several generations. Civil Administration spokesman Peter Lerner confirmed that foreign workers employed by the Civil Administration's inspection unit had been hired to uproot the trees as part of a campaign to "expel trespassers from state-owned land". (Ha'aretz, 18 August)

537. On 21 August, the Peace Now movement urged the Government to halt alleged plans to turn a Nahal outpost next to the Ma'aleh Adumim into a settlement. (Jerusalem Post, 22 August)

538. On 28 August, Defence Minister Yitzhak Mordechai authorized the transfer of 10 mobile homes to a hill adjacent to the Talmon settlement, west of Ramallah. The spokesman for the Council of Jewish Communities in Judea, Samaria (West Bank) and Gaza stated that they would be used for habitation and as public rooms but denied, however, that they were part of a new settlement. (Ha'aretz, Jerusalem Post, 29 August)

539. On 29 August, some 70 residents of Yatta village, headed by their mayor, went out on a tour to protest against plans for the confiscation of their land to allow for the expansion of the nearby Ma'aon settlement. The group also visited a private farm near Ma'aon, which they claimed had been established illegally on their land. Some Palestinian youths reportedly attacked the guard at the farm and seized his weapon. IDF troops were dispatched to the scene and five Palestinians were detained for questioning. They were subsequently released. (Ha'aretz, 31 August)

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540. On 29 August, the Minister of the Interior, Eli Suissa, and the Minister of National Infrastructure, Ariel Sharon, decided to add between 2,500 and 3,000 housing units to Jewish communities in the Green Line area north of Hebron. The decision was reportedly made in a response to what was described as the takeover of land in the area by Arabs. (Ha'aretz, 31 August)

541. On 29 August, it was reported that Israeli bulldozers had begun to build a road linking the settlements of Neve Dekalim and Ganei Tal in the Mawasi coastal area near Khan Younis. (The Jerusalem Times, 29 August)

F. Information concerning the occupied Syrian Arab Golan

Oral evidence

542. In a statement delivered before the Special Committee at Damascus on 7 June 1997, Mr. Clovis Khoury, Director of the International Organizations Department of the Ministry of Foreign Affairs of the Syrian Arab Republic, referred to the situation in the occupied Syrian Arab Golan and stated in that connection:

> "Thirty years have passed since the Israeli aggression and occupation of the Syrian Golan in June 1967.
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> "Since that time, Israel, the Occupying Power, has been adopting and implementing policies which flagrantly violate the Charter of the United Nations and the principles of international law and international humanitarian law, particularly the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, the Hague Conventions of 1899 and 1907, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954. Israel has also blatantly flouted all the relevant resolutions of the General Assembly of the United Nations, the Security Council and the international and regional commissions and organizations concerned with human rights, particularly the Commission on Human Rights.
>
> "... The Israeli authorities have implemented a number of other administrative and organizational measures, including the following:
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> "Forcing Arab teachers to join the Teachers' Union in Israel;
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> "Preventing Syrian citizens from establishing charitable associations to cater for their medical and social needs;
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> "Replacing Arab vehicle licence plates with Israeli plates;
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> "Recording new births in registers bearing the title 'State of Israel, Ministry of the Interior';
>
> "Imposition of Israeli currency;

"Appointment by the Minister of the Interior of an adviser on Druze affairs in the Golan, a post that reports directly to the Ministerial Committee on Arab Affairs;

"Imposition of the Hebrew language on the Syrian Arab population;

"Exertion of pressure on Syrian Arab citizens to vote in elections to the Knesset.

"According to the statistics circulating in the Israeli press, there are 32 settlements in the Golan. However, a careful examination of the duplicated names of the settlements, checked against those referred to as having been constructed or included in the Golan settlement plan up to 1994, clearly shows that the number of settlements that already exist or are under construction amounts to 40. It is noteworthy that many of the settlements bear full or abbreviated names derived from the Torah, from names of alleged ancient Jewish settlements or from Hebrew corruptions of some Arabic place names. This reveals not only the attempts that are being made to endow the territory with a Hebrew identity, but also the intention to perpetuate the Israeli occupation.

"The Netanyahu Government is fostering and encouraging trends in Israeli opinion which are in favour of increasing, intensifying and expanding the scope of settlement in order to create a domestic public opinion that is opposed to any possibility of future Israeli withdrawal from the Golan.

"Israel's exploitation of the occupied area of the Golan has been characterized by the expropriation of land and the seizure and exploitation of water resources. The occupation authorities have resorted to a number of methods to expropriate land. These include, in particular:

"(a) Expropriation of the land of displaced persons, which is regarded as state property on the pretext that its owners are absent. Common land, which is owned collectively by the population, has also been expropriated, as happened at the village of Mas'ada;

"(b) Expropriation of land near the ceasefire line for mine-laying purposes;

"(c) Expropriation of land for the purpose of constructing military bases and army posts;

"(d) Expropriation of land for the construction of roads and military installations. Minefields have even been laid on land at a considerable distance from the ceasefire line;

"(e) Expropriation of land for the construction of settlements and agricultural and industrial facilities;

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"(f) Large areas of land (totalling about 100,000 dunums) have been fenced off on the pretext of placing them under the control of the Nature Conservation Authority.

"The Arab population is prohibited from exploiting the water of Lake Mas'ada (Ram), which has a capacity of about 8 million cubic metres and belongs to the town of Majdal Shams. The water from this lake has been diverted to the Israeli settlements in the Golan.

"Arab attempts to construct water reservoirs, at exorbitant cost, have been thwarted on the pretext that they lacked permits, which have always been refused for the construction of dams.

"The Arab population is prohibited from drilling new wells and severe restrictions have been imposed on the use of old wells.

"... The taxes that have been imposed include:

"(a) Income tax;

"(b) 'Kupat Holim' sickness fund tax, bearing in mind the fact that the occupation authorities have not established a single health centre in any of the Arab villages;

"(c) Clinic and health centre tax;

"(d) Value added tax;

"(e) National insurance tax;

"(f) Local council tax;

"(g) Property tax;

"(h) Radio and television tax.

"Hundreds of Syrian citizens in the occupied Syrian Golan have abandoned agricultural work after losing their land, due to the lack of water, due to their inability to compete in the domestic market with crops from the settlements which are subsidized by the Israeli occupation authorities, or because they encountered obstacles impeding their purchase of agricultural requisites or the export of their products.

"The Israeli occupation authorities also confiscate livestock, fence off pastureland in areas around the villages in the occupied Syrian Golan and impose a tax on animals, thereby forcing the Syrian population of the occupied Syrian Golan to sell their livestock, which is their source of livelihood. The Israeli occupation authorities also sometimes confiscate livestock for trivial reasons.

"... The overall aim of this policy is to keep the economy of the Golan weak and dependent on the Israeli economy, lower the standard of living and induce the population of the occupied Syrian Golan to abandon their land.

"... In his recent book entitled Jewish History and the Jewish Religion, Israel Shahak, the head of the so-called League for Human and Civil Rights in Israel, stated that racism against non-Jews in Israel was manifested in three ways: the right of residence, the right to work and the right to equality before the courts.

"These occupation practices have undoubtedly aggravated the already critical economic situation prevailing in the occupied Syrian Golan, particularly since the standard of living of the Syrian population under occupation was already below the threshold of poverty.

"Like the workers from the West Bank and Gaza Strip, the Syrian Arab workers in the occupied Golan are offered employment only in arduous or marginal forms of work (menial tasks such as garbage collection, construction and odd jobbing). When they work for Israeli employers, they do not enjoy any employment-related guarantees since they can be dismissed without any right to protest; they are not paid any compensation and many of them do not even receive their wages in spite of repeated demands.

"The wage paid to Syrian Arab workers differs from that paid to Israeli workers, being less than half the wage received by the latter for a comparable form of work.

"When travelling to and from their places of work, Arab workers are liable to be searched and detained at checkpoints, particularly at Banias.

"In 1996, the Israeli occupation authorities resorted to the unusual step of classifying and employing Syrian Arab workers who had been awarded degrees in agriculture, veterinary medicine and mechanical and electrical engineering at Damascus University in their motherland as skilled technicians rather than on the basis of their university degrees, even though their degrees were acceptable and regarded as equivalent by the Ministries concerned in Israel, with a view to placing them under pressure, reducing their wages and restricting the employment opportunities available to them.

"Israel's overall educational and cultural policy towards Arab students, including students from the occupied Golan, is designed to achieve the following principal objectives:

"(a) Undermine and obliterate their sense of Arab national identity;

"(b) Divide and fragment the population into ethnic, social, religious and other groups;

"(c) Promote institutionalized ignorance, which is the proper term to describe Israel's education policy;

"(d) Create future generations of poorly educated Arab students cut off from their history, their heritage, their motherland and their nation;

"(e) Show Israel and the Jews in the best possible light, while simultaneously disparaging the Arabs and their civilization.

"... The Hebrew language is taught, as a basic subject which students cannot afford to fail, for an average of six hours per week in a forceful and intensive manner and in such a way as to influence and attract the interest of students, in contrast to the Arabic language which is neglected and taught only through poems, rules of grammar and syntax, dictation and texts on the lives of Jewish poets and authors. In the classroom, students are made to listen to Hebrew songs with attractive melodies in order to perfect their pronunciation of Hebrew words with a correct accent.

"The Arabic language is weakened in various ways. For example, it is taught for a smaller number of hours than the Hebrew language and the schools in the Golan have no competent staff qualified to teach it. Moreover, the selected Arabic-language subjects focus on the negative aspects of Arab civilization, such as poems describing internecine warfare between tribes and clans.

"Arab history is distorted to a large extent, emphasis being placed on periods of decline while periods of strength are disregarded. Jews are fictitiously alleged to have participated in numerous events.

"As part of the policy of racial segregation and discrimination, special curricula have been prepared for the Druze, nomadic and Circassian Arabs. The first is applied in the Golan where the subjects of 'the Druze heritage' and 'Druze history' are taught in an attempt to detach that community from the Arab nation and its Arab and Islamic national identity by inventing a separate heritage and history which exist only in the imagination of the persons who concocted these two subjects with malicious intent.

"In contrast, emphasis is placed on a glorified history that has been fabricated for the Jews while Arab history is taught only in a distorted, restricted and highly abridged manner.

"... There is also another subject, 'Israeli civics', which is intended to enhance Israel's image in the eyes of students.

"The price of a single school textbook amounts to not less than the equivalent of $10-20 and some of them cost more than $30. The first and second primary grade books are constantly being changed.

"Some subjects are also badly taught, this being due partly to the curriculum and partly to the incompetence of the teaching staff.

"The occupation authorities take care to ensure that the teaching and administrative staff whom they appoint at the schools in the Golan will serve their aims and objectives.

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"The occupation authorities attempt to blackmail the teaching staff by threatening to dismiss them if they participate in the celebration of Arab national events.

"The schools are overcrowded and some of their classes are held in rented external premises, such as garages or rooms in ordinary houses, in unhealthy cold and dark conditions which are unsuited to education.

"Moreover, students from the Golan are not permitted to enrol at faculties of pharmacy, dentistry and veterinary medicine since all applicants for enrolment must hold Israeli nationality, which the population of the Golan categorically reject.

"The occupation authorities also invent Druze holidays during which the schools are closed, such as the four-day Feast of Nabi Shu'aib, the Feast of al-Khidhr and the Feast of al-Ya'fouri (the tomb of Abu Dharr al-Ghaffari, the revered Companion of the Prophet, which is situated near Majdal Shams is visited by the population on a regular basis, but the occupation authorities have turned these visits into a public holiday!).

"The purpose of this is to create a distinction between the Druze and other components of the Syrian Arab people.

"Even the Arab newspapers published in Israel are not allowed to reach the Golan and anyone contravening this prohibition is liable to penalties.

"The characteristics of the health situation, as well as its problems and the requirements for their solution, can be summarized as follows:

"(a) A shortage of all types of first-aid facilities;

"(b) A shortage of medical specialists;

"(c) The need to establish a laboratory for medical analyses;

"(d) The urgent need for a clinic for women and a maternity clinic;

"(e) The need for cheap, if not free, medical treatment for indigent persons;

"(f) The lack of an acceptable and effective health system;

"(g) The lack of a radiology unit;

"(h) A lack of information concerning various aspects of health;

"(i) The need to establish specialized health centres in the Arab villages.

"Many of the archaeological sites are being devastated as a result of the military manoeuvres carried out by Israeli armed forces in the Golan. Armour-piercing shells and various types of explosives, as well as tank movements, have caused extensive damage to the stone reliefs and other archaeological relics that have existed in the territory for thousands of years.

"Scores of Syrian citizens are still languishing in Israeli prisons and detention centres.

"These incarcerated prisoners are suffering from the most deplorable inhuman conditions and the most odious forms of brutal and barbaric ill-treatment.

"In spite of repeated requests, the occupation authorities do not permit family visits, which are confined to one visit per year by ministers of religion with a view to promoting sectarianism. They rarely approve requests for family reunification.

"The above review of the firmly established policies and practices which the Israeli Government has been pursuing, with increased severity during the past year, against the territory and the population of the occupied Syrian Golan shows that the present Israeli Government is insisting on perpetuating the occupation, intensifying settlement, seizing even more land and water, weakening all the infrastructures of the occupied Syrian Golan and repressing and persecuting its population."

543. In a statement delivered before the Special Committee at Quneitra on 8 June, Mr. Walid Al-Bouz, the Governor of Quneitra, Syrian Arab Republic, referred to the situation in the occupied Syrian Arab Golan and, inter alia, stated in that connection:

"Arbitrary seizure lies in the very front of this policy that the Israeli authorities resort to from time to time and lasts for a period of time which may be longer or shorter according to the disposition of the occupation authorities, and the aim of such arrests is clear and studied which is to terrify the Arab citizens, to impose hegemony and to execute the aims of the Israeli policy that aims at cutting their relation with their mother homeland Syria.

"The Israeli seizure campaigns are aimed at the Arab students, and those arrests are often timed before the final examinations date, especially the secondary certificate examinations, to prevent them from obtaining this certificate and to increase pressure on their relatives.

"The Israeli authorities subjugate most arrested persons who are freed later to obligatory residency where each is to present himself at the police station every week. The obligatory residency extends between six months and one year during which a big financial penalty is imposed that is between $1,000 and $10,000.

"The Israeli authorities resort to oblige arrested persons to compulsory labour for the benefit of the local councils and police stations after every national demonstration against occupation, especially on national occasions such as Withdrawal Day (17 April) or marking the great national strike against Israeli identity (on 14 February of each year) or on the occasion to the memory of the strike against the Israeli decision to annex the Golan on 14 December of each year.

"For continuing the policy of the Israeli extension through more economic pressure on the inhabitants, the Israeli authorities confiscate part of the lands of the five villages (Majdal Shams, Buka'ata, Massa'adeh, Ein-Kanieh, Al-Ghajar) in order to implant new settlements and tighten the rope on the inhabitants of those villages. It has not been satisfied with ruining building sites in the occupied Golan since 1967, including the liberated town of Quneitra, and established in their stead Israeli settlements whose number has gradually increased and risen to 40 settlements inhabited now by about 17,000 Israeli settlers, while suppression is imposed on building throughout the occupied Syrian villages, with heavy taxes imposed on building, which has resulted in an abnormal rise of building prices which is very onerous to the population.

"The permitted labour market for Syrian Arab labourers under occupation is black labour under strenuous circumstances and hard conditions with low wages, arbitrary dismissal, non-labour insurance, non-registry of labour injuries, non-payment of their wages in many cases and delay and procrastination of payment, even to those for whom judicial rulings are issued in their favour, where stratagems are used to circumvent the laws, for example, imaginary bankruptcy of companies to evade payment of wages.

"The Israeli law courts delay suits lodged by Syrian Arab labourers against the Israeli masters, and do not make judgements for years, while they give the Israeli masters the opportunity to evade payment, to announce imaginary bankruptcy or to change their company's name.

"The Israeli occupation authorities exercise pressure against qualified Syrian Arab labourers who have acknowledged their scientific qualifications to be registered at a lower classification and they do not recognize their certificates or their qualifications.

"But as regards economic concerns, the situation becomes worse and more complicated, as the occupation authorities cause great losses in the apple crop, which is the main product of the villages every year, by importing great quantities of apples in spite of the surplus of apples in the occupied Golan villages. This leads to a stagnant market for their produce and low prices that do not cover the costs of production. This is intended to oblige the inhabitants to desert their agricultural jobs and direct them to work in the Israeli labour market under bad conditions and in onerous jobs. For this reason too the occupation authorities have raised the tax on irrigation water to $500 per dunum of land, in addition to raising the price of one cubic metre of water to many times the price paid by Israeli settlers. They have also prevented local farmers from digging artesian wells on their lands and prevented the people from erecting open tanks to collect rainwater and snow melt for use during spring and summer, intentionally damaging tanks already erected and using them as targets during military exercises and training.

"The situation in schools in the occupied Syrian Arab Golan villages is not better than the economic situation since Israeli curricula have been imposed on a permanent basis on students in schools as an alternative to the Syrian Arab curricula.

"Professionally qualified persons are excluded from teaching and unspecialized or unqualified persons are entrusted with performing this educational and teaching task.

"Students wishing to pursue their academic study in the Syrian universities in the homeland are prevented from doing so by heavy and impossible conditions and taxes.

"Syrian Arab students have been excluded from admission to academic faculties in Israeli universities such as the Faculty of Pharmacy and the Faculty of Dentistry unless they acquire Israeli nationality.

"There is no health care provided by the occupation authorities for Syrian Arab citizens in the occupied Golan villages, although taxes are levied for health benefits. These taxes, which are no less than 10 per cent of monthly income, go towards a patients' fund and are obligatory. This obliges the people to pay for medication at their own expense in the hospitals of the West Bank and Israeli hospitals and these expenses are very heavy. This has made it necessary lately for the inhabitants to establish a small medical centre with limited capabilities in Majdal Shams to offer medical services and emergency first aid.

"There is no doubt that all of these arbitrary and inhuman practices being followed by the occupation authorities against the Syrian Arab citizens in the occupied Golan villages, which violate human rights and contravene all international covenants have a negative effect on the people and inflict upon them the gravest harm and cause them the severest sufferings."

544. A witness indicated that one of the difficulties facing the population of the Golan was the lack of adequate medical facilities and treatment:

"They cannot get the necessary medical treatment in the occupied territories because of the high costs. Some of them cannot reach the medical centres for treatment, because of the security situation and restrictions. This is an acute problem, particularly for those suffering from diabetes and stomach ailments, for example, and also for those in need of surgical operations.

"There are no hospitals as such. There are medical centres, clinics, for the treatment of minor ailments, but no proper hospitals for surgery and other serious illnesses. What happens is that, whenever someone suffers from a serious illness or needs an operation, he or she has to go to Palestine. There is a hospital in Saffad where they carry out operations and treat serious conditions. However, from the information I have received from doctors and other people, I feel that the inhabitants of

> the occupied Golan are suffering enormously, because they do not have easy access to proper medical care.
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> "There are no emergency facilities for accidents in the Golan Heights, for car accidents, for example. They have to go into Israel." (Anonymous witness no. 30, A/AC.145/RT.724)

545. The witness also spoke about the difficulties of doctors educated in Syria to practise medicine in the Golan for lack of recognition of Syrian diplomas:

> "They are qualified doctors with university qualifications. When they returned from college, they were not allowed to practise medicine.
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> "Equivalences are extremely difficult to obtain and there are other difficulties as well. In my case, for example, as I am a qualified surgeon, if I returned to the occupied Golan, I would have to go to Israel because there are no hospitals in the occupied Golan where I could practise surgery.
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> "The Israelis do not recognize the Syrian diploma." (Ibid.)

546. He informed the Special Committee about the general consequences of occupation:

> "Occupation in general is difficult. It is known to force people to leave. It leads to involuntary displacement, to suppression of freedom and other difficulties." (Ibid.)

547. The Special Committee was informed about the freedom of education of the Syrian inhabitants of the Golan, in particular with regard to the curriculum:

> "I went to school in the occupied Golan, primary and secondary. The curriculum was completely different from the Syrian curriculum and from the Israeli curriculum. This put us at a disadvantage.
>
> "The science curriculum of course was not different, that is, mathematics, physics, biology, chemistry. History is an issue. We learnt history in a different way from what they learn here in Syria. Of course, it differs from what one hears in the radio or in the press from the various sources. Geography is not the same and there is a subject they call 'Israeli civilization'. Also, there are not enough hours for the teaching of the Arabic language. Hebrew is the language of teaching.
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> "As regards geography, the problem is with the names. A village is known to the people with a certain name, and then the children are taught a different name, something completely different.
>
> "For example, the geography of Israel, the names of the places, of the region, of the areas, they are completely different from what it is, from what the names should be. The information provided is not what it should be. It is very subjective on the side of the Israelis." (Ibid.)

548. Another problem cited by the witness was that family members were cut off from each other as a result of the occupation:

> "They presented requests more than once, but they were refused. My family is suffering like other families, there is nothing unusual about my personal case. All families have the same problems.
>
> "We are not allowed to correspond in writing, we communicate through megaphones and binoculars.
>
> "When I get to the village of Ain Tini or Majdal, I shout my name, the name of the village where my parents live and I say 'Please, call them to come and talk to me!' Sometimes I wait half an hour, sometimes an hour until they come.
>
> "It is easier for me to go to New York, but I cannot cross 10 kilometres to see my parents." (Ibid.)

549. The witness described to the Special Committee the Israeli policy of land confiscation:

> "When I used to go back to my village, more than one agricultural area - growing apples and grapes - was considered a military or security zone. Therefore, the owners were not able to use their lands for agricultural purposes.
>
> "In my village, the areas declared military zones are owned by people who are still living in the village." (Ibid.)

550. The witness described his experience when he travelled to the Golan in a bus:

> "We were in a bus. They covered the windows of the bus and took us a long way away to a place near Damia prison. We were deprived of food and drink and questioned." (Ibid.)

551. Another witness from the Golan confirmed the difficulties that persons with Syrian diplomas encountered upon their return to the Golan:

> "The diplomas of those who came over to study after 1981 are not recognized. However, I am aware of the case of a qualified dentist who returned and passed the exam to be able to practise and still is not allowed to practise. He complained to the High Court in Israel." (Anonymous witness no. 31, A/AC.145/RT.724)

552. He described his experience during detention by the Israeli authorities:

> "They put a bag over my head. My hands were tied behind my back and I was forced to stand in the heat of the sun for hours. The bag was stinking. I was also beaten and subjected to psychological pressure. They threatened that they would bring my father or my mother and torture them in front of me. The food would lie on the ground for hours and then they

> would tell us to go and eat. By then, the food was covered with insects. The cell was dirty, with an open sewer. It was a dark cell." (Ibid.)

553. The witness spoke of the pressure to accept Israeli citizenship exercised by the Israeli authorities on the inhabitants of the Golan:

> "Sometimes they were pressured to accept Israeli citizenship. The Israeli authorities isolated the villages from each other, encircling them with the army, also encircling separate houses and then forced the people in the houses to take an Israeli identity card. There were clashes between the population and the Israeli army. The people tore up the Israeli identity cards in front of the army. This resulted in clashes and 16 people were wounded. Later on, the population collected all the ID cards and sent them back to the Knesset." (Ibid.)

554. The witness spoke about the situation in the Golan regarding taxes:

> "Extremely heavy taxes, on everything, on land, cattle, agricultural produce, shops ... Those who do not pay see some of their property confiscated." (Ibid.)

555. He pointed to the contrast between the taxation policy applied by the Israeli authorities to Jews and that regarding the Arab population:

> "As a matter of fact, there is a special law applying to the border area. They do not levy taxes from the Jews living in the Golan Heights.
>
> "Those who live in the border area, within 30 kilometres from the border, do not pay taxes. That is in order to encourage them to live in that area. It is an incentive. As for us, we are 2 kilometres away from the border, we have to pay taxes, heavy taxes. And of course, the population is not allowed to cultivate land close to the border, unless they have written authorization from the military authorities." (Ibid.)

556. The witness provided the Special Committee with information on the administration of justice:

> "There are Israeli judges and Syrian judges. When it comes to the Syrians, they basically deal with civil cases like marriages, divorces. These are what we call the religious courts." (Ibid.)

557. The witness spoke about the policy of land confiscation in the Golan on part of the Israeli authorities:

> "They confiscate land of course, under the pretext of security and the needs for the military, and they build settlements. In the areas where they build settlements, they plant landmines to prevent the cattle from Syrian villages from getting to the crops. Many incidents happen." (Ibid.)

558. The references relating to the above subject may be found in document A/AC.145/RT.724 (anonymous witnesses).

Written information

559. On 20 May 1997, the Council of the Golan Settlements claimed that a United States report according to which 28 per cent of the housing units on the Golan were uninhabited was misleading. The Chairman of the Council, Avi Za'ira, stated that figures provided by the Golan local councils and the Housing Ministry suggested that only 6 per cent of the apartments were empty. Mr. Za'ira stated that 300 empty apartments were located in areas where demand was low. He observed, however, that in the Katzrin settlement itself, the high demand had led to housing shortages without a single empty apartment. He stated that 200 additional housing units, 96 of which were in Katzrin, were currently under construction in the Golan. (Ha'aretz, 21 May)

560. On 26 May, high-ranking officers of the Galilee District Police met to decide on measures to protect the lives and property of the Golan Heights Druze who supported Israel. The meeting followed an increasing number of incidents, including two torchings of a storeroom belonging to a prominent Druze supporter of Israel and an attempt to burn his car. According to the leaders of the Druze community many Israeli citizens among the Druze were considering leaving the Golan because of social and religious discrimination against them within the Druze community. (Jerusalem Post, 27 May)

561. On 28 May, IDF troops patrolling along the border with Syria discovered the remains of a fire-bomb near the village of Majdal Shams. It was not clear whether the bomb had been thrown at army vehicles in the area and missed them or had been planted there for later use. Police stated that tracks from the scene led towards Majdal Shams. In another incident, on 29 May, the Israeli national flag atop the local council offices in Majdal Shams was found burned. Police were investigating the incidents, which reportedly raised concern over the possibility of another wave of nationalistic incidents by pro-Syrian elements in the Druze villages on the Golan, where unrest had been growing in recent weeks. (Jerusalem Post, 30 May)

562. On 25 June, the IDF completed an extensive major military exercise on the Golan Heights involving infantry, armour, artillery, engineers, anti-tank and anti-aircraft units. The exercise, which lasted several days, was aimed at raising the capability of the units to fulfil their missions in emergency situations and improve coordination among them. The exercise was observed by top-ranking IDF officials, President Weizman and members of the Knesset Foreign Affairs and Defence Committee. (Ha'aretz, Jerusalem Post, 26 June)

563. On 17 July, with festivities that drew politicians from all the main parties to the Katzrin settlement, the Golan Heights settlers celebrated the thirtieth anniversary of the establishment of Jewish settlements in the region. Prime Minister Netanyahu, who was given a warm reception, told the settlers that they would be able to remain in their homes for years to come. Marla Van Meter, a member of the Golan Residents Committee, stated during the celebrations that numerous residents were experiencing a renewed sense of purpose after four years of uncertainty under the previous Government. "The cloud has been lifted", she stated, adding that residents "had been given breathing space, which was expressed in the way they were taking more care of their gardens and expanding their homes". (Jerusalem Post, 18 July)

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564. On 23 July, the Knesset passed in a preliminary reading a bill in favour of making withdrawal from the Golan Heights contingent on a legislative majority of at least 80 votes. Forty-three members of the coalition, including the Prime Minister and all the ministers present at the plenum, voted in favour of the bill. Forty members of the opposition voted against and there were two abstentions. The Golan Residents Committee issued a statement hailing the vote as a great event for the Knesset and the State. The Committee spokesman stated that the Knesset had relayed a clear message to the Syrian Arab Republic and the whole world that it was serious in its intention to ensure the continuation of Israeli sovereignty over the Golan. Syria's official news agency stated that the Knesset vote was aimed at preventing a withdrawal from the Syrian Golan and represented an attempt by Israel to evade United Nations resolutions. In another reaction, a senior Syrian official stated that the Israeli vote was a clear act of provocation to be added to a long string of other Israeli provocations whose aim was to deliver the final blow to the peace process. (Ha'aretz, Jerusalem Post, 24 July)

565. On 29 July, Syrian President Hafez Assad voiced pessimism over the prospects for Middle East peace after talks with Egyptian President Hosni Mubarak. "It is difficult for me to say there is hope in view of the current situation", Assad told a joint press conference, with Mubarak adding that "Every day there is new proof that there is no hope". He indicated, however, that Damascus was still committed to the peace process and wanted to make peace with Israel. (Jerusalem Post, 30 July)

566. On 31 July, the Syrian Chief of Staff, Hikhmat Shihabi, warned that his country would take back the Golan Heights by force if it could not do so peacefully. Mr. Shihabi was quoted in the official government newspaper Al-Ba'ath that Syria was prepared for the eventuality of war and would not be intimidated if Prime Minister Netanyahu were to move towards confrontation. The newspaper interview was seen by some observers as an indication that President Assad was considering a military option, especially in view of his recent comments expressing pessimism over the Middle East peace process. Prof. Ze'ev Maoz, Head of the Jaffee Centre for Strategic Studies, also cautioned that the continuing deadlock in the peace process had brought the possibility of a military confrontation with Syria much closer for Israel. (Jerusalem Post, 1 August)

567. On 4 August, it was reported that the municipal boundaries of the Katzrin settlement were expected to be increased by 1,200 dunums in order to allow for the construction of an additional 1,000 housing units in the settlement. Katzrin, the largest Jewish settlement in the Golan Heights, which has 6,700 inhabitants, reportedly suffered from housing shortages because of the high demand for dwellings there. The mortgages given by the Ministry of Construction and Housing had recently been set at NIS 118,000. In addition, every new settler was entitled to an NIS 60,000 loan, of which NIS 30,000 was awarded as a bonus. The Finance Ministry granted settlers an NIS 20,000 loan, of which half was a bonus. Customary contractor loans amounted to NIS 70,000. On the whole, government aid to new settlers reached NIS 200,000, of which NIS 40,000 was granted as a bonus. New houses in the settlement, villas on half a dunum of land, were sold for NIS 310,000. Some 500 housing units in the settlement were under construction or in the planning stages. (Ha'aretz, 4 August)

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568. On 22 August, it was reported that the National Infrastructure Minister, Ariel Sharon, had decided that a dam on the Yarmuk river in Adasiya would be built in the previously demilitarized zone of Al-Hama, which is claimed by Syria. Mr. Sharon thereby changed a decision by the former Prime Minister and Defence Minister, Yitzhak Rabin, to build the dam within the Green Line near Tel Dover. It was estimated that by building the dam in the previously demilitarized zone, Mr. Sharon's intention was to make any possibility for an Israeli concession in the southern demilitarized zone of Al-Hama more difficult. The controversy between Israel and Syria stemmed from the latter's insistence that Israel withdraw to the 4 June 1967 borders as part of a future peace accord. This meant that the Al-Hama enclave, which was a demilitarized zone between Israel and Syria until the Six Day War, would be returned to Syria, along with other areas, including the north-eastern bank of the Kinert Lake. (Ha'aretz, 22 August)

569. On 27 August, the Syrian Defence Minister, Mustafa Tlass, warned that the policies of Prime Minister Netanyahu were leading the region towards war. Mr. Tlass was quoted in an Arabic language newspaper published in the Gulf region as stating that Syria was prepared for war if Mr. Netanyahu tried to create the conditions for war in the region. "Israel is playing with fire, has closed the door to peace and opened a war file", he charged. (Jerusalem Post, 28 August)

570. On 28 August, it was reported that Syrian officials had complained to the United Nations Secretary-General over the arrest by Israeli police of a Druze woman from the Golan Heights on suspicion of harming the security of the State. The woman, Alham Naif Abu Salah, a resident of Majdal Shams, had been arrested earlier in the week, but details of her arrest were not revealed because of a publicity ban, which was lifted on 27 August after the story appeared on Syrian television along with a report on demonstrations by residents of the Majdal Shams protesting against Abu Salah's arrest. Syrian newspapers also highlighted the story, stating that the woman was a psychology student at Damascus University who had returned to her home in Majdal Shams two months earlier for summer vacation. The arrest of the 30-year-old student reportedly sent shock waves through the Druze community in the Golan. On 25 August, a general strike was declared in Majdal Shams. On 26 August the residents of the town burned tyres in the village and paraded through the main street waving Syrian flags. On 27 August, the general strike continued with women residents staging a sit-in protest outside the offices of the International Committee of the Red Cross in Majdal Shams. (Ha'aretz, Jerusalem Post, 28 August)

V. CONCLUSIONS

571. The following conclusions have been formulated on the basis of the information reflected in the two periodic reports and in the present report of the Special Committee. They have been prepared in accordance with the mandate of the Special Committee under the terms of General Assembly resolution 51/131. Since the twenty-eighth report was adopted on 20 September 1996, the conclusions thus cover the period from 21 September 1996 to 29 August 1997. The two periodic reports cover the periods from 21 September to 31 December 1996

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(A/52/131) and from 1 January to 30 April 1997 (A/52/131/Add.1), respectively. The present report concerns the period from 1 May to 29 August 1997.

572. The important events as well as the number of incidents that have taken place in the region during the period under consideration and the large amount of information on the human rights situation received and examined by the Special Committee may not have been reflected in their totality in these reports for the reason hereinafter stated. Nevertheless, the Special Committee has endeavoured, within the constraints imposed by the regulations concerning the length of United Nations documents, to include in its reports, as faithfully as possible, samples of the information in order to illustrate in the best possible manner the situation of human rights in the occupied territories during the period under review.

573. Since its establishment in 1968, the Special Committee has repeatedly tried to obtain the cooperation of the Government of Israel but has consistently been denied such cooperation and thereby access to the occupied territories. During the period covered by the present report, the Committee has once again addressed a letter to the Secretary-General seeking his intervention in order to convince the Israeli authorities to cooperate. In addition, the Special Committee addressed a letter to the Permanent Representative of Israel to the United Nations Office at Geneva seeking the cooperation of his Government. Regretfully, the Israeli authorities have continued to withhold their cooperation from the Special Committee.

574. In its letter to the Permanent Representative of Israel, the Special Committee expressed its interest in visiting the occupied territories so as to be able to observe at first hand the conditions prevalent there and to gather the most direct information on all questions pertaining to its mandate. The Special Committee regrets that in the 28 years since its creation, it has never been given the opportunity to visit the occupied territories. It once again appeals to the Government of Israel to give it access to those territories, enabling it to learn directly from both sides the reality of the developments that have taken place and to contribute in the most effective way to the enjoyment of all human rights by all inhabitants of the occupied territories.

575. Nevertheless, the Special Committee has once again benefited from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, of various Palestinian representatives and of the United Nations offices in the field, in particular the United Nations Development Programme (UNDP) and of the United Nations information centres.

576. As it has been prevented from visiting the occupied territories, the Special Committee has conducted, in addition to its regular meetings at Geneva, a series of meetings at Cairo, Amman and Damascus, where it travelled from 30 May to 9 June 1997. It heard the testimonies of 31 persons with first-hand knowledge and personal as well as recent experience of the situation of human rights in the occupied territories. In addition, the Special Committee followed the situation in the occupied territories on a day-to-day basis through reports appearing in the Israeli press and the Arab press published in the occupied territories. The Special Committee also examined a number of valuable communications and reports from Governments, organizations and individuals

concerning the occupied territories that reached it during the current reporting period.

577. In addition, the Special Committee took note of the report of the Special Rapporteur of the Commission on Human Rights to investigate Israel's violations of human rights in the Palestinian territories occupied by Israel since 1967, Mr. Hannu Halinen.

578. The period covered by the Special Committee's current report follows the signing at Washington, D.C. on 28 September 1995 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) and, more recently, the signing on 15 January 1997 of the Protocol concerning the Redeployment in Hebron. These agreements generated great expectations and hope among both the population of the occupied territories and the international community that a lasting peace would be established in the region. However, in the report that it presented to the General Assembly covering the period after the signing of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, the Special Committee concluded that the situation of human rights in the occupied territories had deteriorated remarkably since the beginning of the peace process, contrary to expectations.

579. On the basis of the information and evidence placed before it, the Special Committee has concluded that the situation of human rights in the occupied territories during the period covered by the present report had deteriorated further. The testimony of the witnesses whom the Special Committee heard during its recent visit to the area concurred with this conclusion.

580. The occupied Palestinian territories continued to be divided into areas A, B and C, whereby the Palestinian Authority controls both civil and security issues in area A and controls civil issues but shares responsibility for security with Israel in area B, while Israel retains complete control in and around all settlements and over security and a limited number of civil issues in area C. The rule of the Palestinian Authority currently encompasses some 4 per cent of the West Bank and approximately 70 per cent of the Gaza Strip. Following the signing of the Protocol concerning the Redeployment in Hebron on 15 January 1997, 80 per cent of Hebron came under the rule of the Palestinian Authority on 17 January. The first phase of additional redeployment of Israeli troops from areas in the West Bank that was foreseen for the first week of March has not taken place to date. Since the publication of the Special Committee's twenty-eighth report, the peace process has all but come to a standstill. In his report submitted in accordance with General Assembly resolution ES-10/2, the Secretary-General stated that the 6 March Israeli decision to limit the long-delayed second redeployment to only 9 per cent of the West Bank, with 7 per cent of that a redeployment from area B to area A, rather than from area C to area A, had further aggravated the situation.

581. The settlement policy of the Israeli Government constitutes the principal reason for the current deadlock in the peace process between Palestinians and Israelis and has given rise to extensive human rights violations in the occupied territories during the period under review. The previous Israeli Government had implemented a freeze on the building of new settlements and had stopped the sale of some 3,000 housing units in already existing settlements. In his report

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submitted in accordance with General Assembly resolution ES-10/2, the Secretary-General stated that settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities in violation of Security Council resolutions on the matter, continued unabated throughout the occupied territories.

582. On 2 August 1996, the Israeli Cabinet decided to cancel the restrictions concerning the construction of settlements in the West Bank and Gaza Strip cited above. On 17 October, the Israeli Prime Minister pledged to personally push forward the development of settlements in the West Bank and Gaza Strip. A budget amounting to more than $300 million for 1997 was allocated in November 1996 for settlement development, additional subsidies were given in December 1996 to existing settlements and the unoccupied housing units were immediately put up for sale. Tax breaks, preferential mortgage rates and on occasion free plots of land, bonuses for businesses amounting up to 30 per cent of investment and houses sold at a fraction of their price in Israel, with bonuses as high as 95 per cent of the value, have been offered as incentives to settlers. An unprecedented 84 settlements were added to the already existing 39 that are classified as "national priority areas A and B". The result has been an incremental increase in the expansion of existing settlements as is the case with, among others, Ma'aleh Adumim, Efrat, Kiryat Sefer, Kedumim, Beit El, Neve Daniel, Emanuel, Ma'aleh Ephraim, Har Adar, Talmon, Karnei Tsur, Kfar Yam, Gush Katif, Morag, Ariel, Silo, Karnei Shomron, Eli, Beitar, Kiryat Arba, Modiin, Alon Shevut, Gush Etzion, Tekoa, Nokdim and Elazar. A 36-year-old Palestinian man was killed by IDF troops on 10 November 1996 during Palestinian protests against the confiscation of 2,000 dunums of land for the expansion of the Kiryat Sefer settlement. The expansion of settlements is often carried out under the protection of the army. Plans are also under way to unite the Lapid and Givat Ehud settlements. It is estimated that some 194 settlements currently exist in the West Bank and Gaza Strip and are inhabited by more than 150,000 settlers. There are an estimated 36 to 40 Israeli settlements in the occupied Syrian Arab Golan.

583. The Israeli newspaper The Jerusalem Post reported on 2 December 1996 that the Israeli Prime Minister had promised settlers from the Jordan Valley that he would examine their complaints that Palestinians were slowly encroaching on land belonging to the settlements (see A/52/131, para. 362).

584. What ultimately brought the peace process to a halt was the decision of the Israeli Government on 26 February 1997 to build a settlement named Har Homa, comprising 6,500 housing units, on Jabal Abu Ghneim in East Jerusalem. Construction on the site began on 18 March and constituted the first building of a completely new settlement since the lifting of the freeze on settlement construction declared by the former Government. If completed, the settlement on Jabal Abu Ghneim would constitute the final link that makes up the chain of Israeli settlements encircling Arab-populated East Jerusalem, which would be cut off from the rest of the West Bank. The building of a number of settlements has reportedly also been foreseen between Jerusalem and nearby Ramallah. It should be recalled that 15 settlements have been built around Jerusalem in addition to the 17 Jewish neighbourhoods in the City. In his report submitted in accordance with General Assembly resolution ES-10/2, the Secretary-General stated that,

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demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. In addition, he indicated that, economically, the establishment of a settlement on the site was expected to have damaging effects on an already devastated Palestinian economy in the occupied territories, as the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank.

585. In its resolution ES-10/2 of 25 April 1997, the General Assembly, inter alia, condemned the construction by Israel, the occupying Power, of a new settlement in Jabal Abu Ghneim to the south of occupied East Jerusalem and all other illegal Israeli actions in all the occupied territories, and reaffirmed that Israeli settlements in all the territories occupied by Israel since 1967 were illegal and an obstacle to peace; and called for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities. In its resolution ES-10/3 of 15 July 1997, the Assembly condemned the failure of the Government of Israel to comply with the demands made by the Assembly at its tenth emergency special session; reiterated that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activity, and the practical results thereof could not be recognized irrespective of the passage of time; recommended to Member States to actively discourage activities that directly contributed to any construction or development of Israeli settlements in the occupied Palestinian territory, including Jerusalem; and demanded that Israel make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the occupied Palestinian territory, including Jerusalem.

586. The Israeli Government accelerated the construction of an extensive network of bypass roads and tunnels, including the construction of Highways 4 and 45 around Jerusalem, which Palestinians are not allowed to use. A number of new quarries are also being built, many of which are located in parts of the occupied territories located near the border with Israel in order to serve its construction needs and avoid environmental degradation on its soil. It ought to be recalled that no construction is allowed within a distance of 150 metres from a bypass road. All of the activities cited above require the confiscation of Arab-owned land on a massive scale. Most of it is prime agricultural land including vineyards, olive groves and orchards as well as pastures. It is estimated that some 40,000 dunums of Palestinian-owned land have been confiscated by Israel since the signing of the first peace agreement in September 1993. It is also estimated that approximately 3 million dunums of land amounting to some 74 per cent of the West Bank and 40 per cent of the Gaza Strip have been confiscated by the Israeli authorities since 1967. Land confiscation entails a directly proportionate loss of sources of livelihood for Palestinians. On 25 September 1996, it was reported that Israeli settlers and soldiers were inspecting the Arab neighbourhood Qubat Al-Janeb in the Old City of Hebron, a week after the authorities had announced the confiscation of additional Arab property. An Israeli general reportedly suggested that, if necessary, tanks should be sent to facilitate the construction of a quarry in the vicinity of the West Bank city of Tulkarm. It has been reported that mines were laid in October 1996 around the outpost of the IDF near the Netzarim

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settlement in the Gaza Strip. The Israeli authorities have mostly followed their customary scenario for land expropriation: the area in question is usually first declared a closed military zone and thereby rendered inaccessible to its Palestinian owners; its allocation for settlements, quarries or bypass roads then follows. Alternatively, it may also be proclaimed to constitute a "green area" on which construction is prohibited, as is often the case in East Jerusalem. It was reported that in 1997, by the month of May, 30,000 dunums of Arab-owned land in the West Bank had already been expropriated for the expansion of Israeli settlements.

587. A study conducted in the United States of America is reported to have indicated that 26 per cent of the existing housing units located in settlements in the West Bank and 56 per cent of housing units in settlements in the Gaza Strip were unoccupied, thereby not requiring the construction of additional settlements or the expansion of existing ones on the account of their "natural growth". As concerns the occupied Syrian Golan, it was indicated that 28 per cent of the settlements remained unoccupied. An Israeli source conceded that some 12 per cent of the settlements could be unoccupied.

588. The expansion of the Ma'aleh Adumim settlement in the West Bank has had tangible adverse consequences for the Jahalin Bedouin tribe living in its vicinity. The eviction, which displaced more than 300 persons belonging to some 65 Jahalin families, was based on a ruling of the Israeli Supreme Court and was given on 19 February. It provides for Jewish territorial continuity between Jerusalem and the Ma'aleh Adumim settlement and the ultimate aim of the Israeli authorities is reportedly to create a corridor linking the settlement with the city of Jericho, thereby cutting the West Bank into two parts. Since more than 350 Jahalin families currently live in the area through which this corridor would pass, they risk eviction and relocation to the same alternative site as the one accorded to the families who lived near Ma'aleh Adumim. A number of families have already been displaced while others have been served with demolition orders. The eviction of a Jahalin family and destruction of its encampment on 14 January 1997 was timed to take place when only the mother and children were at home.

589. During the eviction carried out on 11 February, five Bedouins were arrested while nine were injured and needed medical treatment. The area was declared a closed military zone and the Jahalin were given two minutes to vacate it. The police came with large lorries on which their belongings were loaded and proceeded to demolish the tin shacks and tents in which the Jahalin had been living. It should be recalled that the alternative site given to the Jahalin is located on rocky and windy land 500 metres from the Jerusalem garbage dump and was declared by an Israeli environmental study to be unfit for human habitation. It was reported that the rules of the Israeli Ministry of the Environment stipulate that "no human settlement should be put up closer than two kilometres from a garbage dump". Since their tents could not resist the wind, the Jahalin were given shipping containers, which do not have doors or windows; nor are they provided with such necessary facilities as electricity, running water and a sewage system at the alternative site. The children now have to walk some six kilometres to school because no permit was issued to the Jahalin to build a school nearby. They also indicated that stray dogs were attacking their livestock, which had no pastures to graze. A former Jerusalem municipal town

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planner indicated that the half dunum of land reportedly accorded to each family was not enough for one family. The Jahalin tribe had already been expelled by the Israeli authorities in the 1950s from a site they inhabited in the Negev desert. Bedouins and other Arabs have also been evicted from the Jordan Valley area for purposes of settlement expansion and confiscation of water resources. Bedouin families living in the Jordan Valley and in areas near Jerusalem, Jericho and Bethlehem have also been served with eviction notices in 1997.

590. The number of clashes and violent incidents between the Palestinian population of the occupied territories and Israeli settlers has increased during the period under review. Palestinian property has continued to be vandalized by settlers. On 27 October 1996, a 10-year-old Palestinian boy died as a result of severe beating by a settler from Betar. Four Palestinians were killed by settlers in the course of 1996. On 1 January 1997, a settler wearing an IDF uniform opened fire with live ammunition at Palestinians in Hebron, injuring six. In March, a settler from Itamar near Nablus prevented paramedics from providing first aid to a Palestinian man who subsequently died. Settlers have also blocked roads and set up checkpoints in order to obstruct the passage of Palestinians and force them to take long roundabout routes. They have also prevented Palestinians from working on their land, as was the case with settlers from Ma'aon in November 1996. It has been reported that Jewish settlers sprayed with herbicides eight dunums of Palestinian-owned land in Kalkiliyia, thereby destroying the olive trees planted there. Some 130 olive trees had been uprooted in the same area days before. On 30 December 1996, a Palestinian man was shot dead by a settler from the Kfar Darom settlement in the Gaza Strip.

591. Although serious incidents involving settlers have taken place in Jerusalem and other parts of the occupied territories such as Nablus, the clashes between Palestinians and settlers remained the most frequent and were among the most violent in Hebron. On 7 April, a settler is reported to have shot and killed a Palestinian youth in Hebron. Immediately after, a 58-year-old Palestinian man was run over by a settler-owned car. On 7 December 1996, the muezzin of a mosque located near the Beit Haggai settlement on the outskirts of Hebron was attacked by settlers and had to be rushed unconscious to a hospital with serious bruises in the head, shoulder and arm. A 50-year-old woman was shot in Hebron in a drive-by shooting perpetrated by settlers. The repeated clashes between Palestinians and the estimated 400 settlers living among more than 80,000 Arabs in that city have included violent incidents in which settler children threw tear-gas canisters at the Arab population, including children. Settlers have also thrown stones and eggs at Palestinian delegations in Hebron and have thrown stones at workers trying to renovate Palestinian housing. They have also tried to take over Palestinian-owned houses in the city. Stones were also thrown at Palestinian school children and the Yakubiyeh Girls School was vandalized. On 6 July, its principal found five torn copies of the Koran and overturned furniture. On 3 November 1996, a Palestinian home near the Kiryat Arba settlement in Hebron was set on fire by settlers. Settlers have often acted with impunity, if not with the outright complicity of the Israeli authorities. Settlers have repeatedly resorted to provocation of Palestinians in the Gaza Strip. It has been reported that the Israeli army, police and Civil Administration officials supported settlers from Kiryat Arba near Hebron when they levelled with bulldozers tracts of Palestinian agricultural land in January 1997. In February, a female Palestinian journalist was reportedly

humiliated and threatened with rape in front of Israeli soldiers and border policemen in Hebron. On 25 June, IDF soldiers are said to have protected settlers who were uprooting hundreds of olive trees to allow for the expansion of the Telem settlement. Settlers have also attacked foreign and Palestinian television crews.

592. In June, posters drawn by a settler depicting the Prophet Mohammed as a pig wearing the Palestinian headdress and writing the Koran were pasted on the doors of several Arab-owned shops in Hebron.

593. East Jerusalem, where most of the City's Arab inhabitants live, constitutes one of the most sensitive issues in the permanent status negotiations between Palestinians and Israelis and is pivotal to the resumption of the peace process. It has been described as the focal point of the Israeli-Palestinian problem and as the key issue of stability and security in the whole of the Middle East. The City and its Palestinian population have been subjected to human rights violations resulting from concerted and accelerated efforts by the Israeli authorities to create facts on the ground, such as those affecting the demographic and geographic balance in the city, which would be, if allowed to continue unabated, clearly to the advantage of its Jewish population and have negative implications for the Palestinians, placing them before a fait accompli and pre-empting their future efforts to challenge Israeli sovereignty in East Jerusalem. It should be recalled that since the occupation of the City in 1967, the Israeli authorities have never allowed the Arab population of Jerusalem to amount to more than 28 per cent. The number of Israeli settlers in East Jerusalem already outnumbers its Palestinian inhabitants. It is estimated that some 180,000 Arabs and some 200,000 Jews currently live in East Jerusalem. It is estimated that more than one third of the territory of East Jerusalem has been confiscated since 1967 and that more than 40,000 housing units have been built there since that time exclusively for Jews. It has been alleged that some 5,500 Arab inhabitants of the Bab Al Marba neighbourhood in the Old City in East Jerusalem were displaced to make way for Jewish settlers. Land has been confiscated on the pretext of military purposes or to serve as a green area where building is not allowed for Palestinians. In addition, settlers have reportedly acquired housing in East Jerusalem by resorting to the law of absentee landlords as well as forged documents. Members of the Elad, Ateret Cohanim and Keren Kayemet religious organizations have repeatedly tried to establish themselves in Arab-populated parts of East Jerusalem. It has been reported that extremist Jewish groups have taken over 10 houses in the Silwan neighbourhood and that some 53 houses in East Jerusalem have been purchased by settlers. It has been reported that no construction permits had been issued to Palestinians in the West Bank since the current Israeli Government took office. In August 1997, the Mayor of Jerusalem, Ehud Olmert, is said to have called Palestinian building without permits a cancer that directly threatens Israel's sovereignty in Jerusalem.

594. A number of discriminatory administrative measures are applied to the Arab inhabitants of the City: the criteria for family reunification have become more strict and applications are regularly rejected, building permits are seldom issued to Palestinians, the few permits granted are issued for an exorbitant price, houses built without a permit are systematically demolished, the restrictions imposed on the freedom of movement of Palestinians from other parts

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of the occupied territories, especially with regard to entry into Jerusalem and which are reinforced by the frequent closures, reduce business and job opportunities in the City as well as the number of persons coming for medical treatment. It has been estimated that 21,000 Palestinian families in East Jerusalem are in urgent need of adequate housing. It has been alleged that no Jewish house in West Jerusalem has ever been demolished, even if it was built without a permit. It has been reported that requests for family reunification in Jerusalem have begun to be refused more frequently since 1993 and that even persons granted the right to family reunification in 1996 were not issued identity cards, which is an administrative nullification of the right of reunion.

595. Despite the taxes collected from its Arab population, it has been reported that only 2 per cent of the Jerusalem Municipality's budget is spent on areas inhabited by Palestinians. It is estimated that 88 per cent of all housing units built since 1967 were for Jews. The current housing density of Palestinians is double that of the Jewish population. However, on 26 January, the Interministerial Committee on Jerusalem Affairs is reported to have earmarked an additional NIS 130 million for the budget of the Jerusalem Municipality as part of a plan to strengthen Israel's sovereignty in East Jerusalem.

596. The most disquieting pre-emptive measure aimed at reducing further the number of Palestinian inhabitants of Jerusalem is the intensified application of the Israeli policy regarding their residency rights. The 1952 Law of Entry into Israel which was amended in 1974 into the Entry into Israel Regulation, has been enforced since 1982 and considers the Arab residents of Jerusalem as resident aliens or foreign immigrants. Its application has reportedly been stepped up since 1994. Israel considers the inhabitants it found in the City when it was occupied to be like any other foreigners. The Palestinian inhabitants of Jerusalem risk losing their identity cards if they have lived outside Jerusalem for seven consecutive years, if they have become citizens of another country or if they have applied for permanent residency in another country. None of these conditions applies to Jewish Jerusalemites. It has been indicated that the criterion of living outside Jerusalem had been reduced to three years.

597. As of November 1995, Palestinian Jerusalemites have had to prove to the Israeli authorities that the City is their 'centre of life' with the help of documents such as tax receipts, electricity bills, receipts for payment of rent, school enrolment certificates, bills for medical treatment in Jerusalem and the like. It has also been alleged that they were obliged to also produce certificates from a judge, the police and from the mukhtar (village chief). In addition, it was reported that visits to Palestinian homes, including at night, have been conducted by officials of the Israeli National Insurance Institute. It has been alleged that by March 1997 the Ministry of the Interior was confiscating two to three identity cards every day. The endemic housing shortage, declining standard of living and lack of sufficient Palestinian educational institutions within the City limits delineated by Israel have forced numerous parents to send their children to schools that are officially outside Jerusalem and may be less expensive than the ones located in the City. The lack of permits accorded to Palestinians has also forced a number of Jerusalemites to build houses outside the official City boundaries. It is estimated that some

60,000 to 80,000 Palestinian Jerusalemites, including those living and studying abroad, risk the withdrawal of their identity cards. It has been alleged by Israeli human rights lawyers that the regulations and criteria of the East Jerusalem registry office were not even known to lawyers.

598. It has been reported that in May, the Israeli Ministry of the Interior recognized officially for the first time that 385 identity cards had been withdrawn from Palestinian Jerusalemites in 1996 and that 689 had been withdrawn and the persons forced to leave the City by mid-1997. It is believed that the figures could be much higher. This policy has been endorsed by the Israeli High Court of Justice. In addition to family reunification, the withdrawal of identity cards is compounded further by regulations governing child registration, which contain elements of gender discrimination: since 1994, a request for family reunification regarding Jerusalem will be granted only if the person requesting it is male, and since 1982 children born in Jerusalem will only be registered as Jerusalemites if their father is the holder of a Jerusalem identity card. Difficulties with child registration have negative repercussions for the health insurance and education of the children concerned. The children of mothers from Jerusalem have been refused Jerusalem identity cards upon reaching 16 years of age if their father does not hold one or if they live outside the City. It is estimated that some 10,000 children are affected by this practice. In addition, children born outside the country or outside the Jerusalem municipal boundaries defined by Israel are not given Jerusalem identity cards even if both parents are holders. The combined effects of land confiscation, housing shortages, lack of building permits, house demolitions, the economic effects of closure, including lack of job opportunities, and the attendant restrictions on the freedom of movement and cutting off of the City from the rest of the occupied territories, when coupled with the threat of withdrawal of their identity cards and encouragement to adopt Israeli citizenship, were described as having led the Palestinian Jerusalemites to live in a pervasive state of fear as to whether they would be allowed to remain in the City. Witnesses who have testified before the Special Committee described the policies outlined above regarding the Arab inhabitants of Jerusalem as amounting to slow deportation and ethnic cleansing.

599. Although there had been a decline in the number of violent incidents involving Palestinian civilians and Israeli troops following the signing of the peace agreements, including by virtue of their factual separation when the Palestinian Authority came into being, the number of violent incidents in all parts of the occupied territories has increased significantly during the period under review. The deployment of undercover units has continued. The first eruption of Palestinian frustration and anger over certain measures applied by the Israeli authorities took place in September 1996 after the opening in Jerusalem for purposes of tourism of the entrance to a 450-metre-long archaeological tunnel connecting the Via Dolorosa to the Western Wall. The tunnel is located beneath the compound of the Al-Aqsa Mosque, the third holiest shrine in Islam. The opening of the tunnel, which had already been in existence, was deemed by the previous Israeli Government to be a sufficiently sensitive issue not to be carried out. Demonstrations broke out throughout the occupied territories and extremely violent clashes took place between Israeli soldiers and Palestinian civilians who were on occasion joined by members of the Palestinian Police. A total of 74 persons, 58 Palestinians and 16 Israelis,

were killed, at least 16 of whom were children, and more than 1,600 were injured. On 27 September 1996, three Palestinian worshippers were shot dead in the compound of the Al-Aqsa Mosque in Jerusalem. The Special Committee heard the testimony of an ambulance driver in uniform who was injured when he stepped out of a clearly marked ambulance as he started to move in order to help an injured person. He also witnessed the killing of a paramedic in uniform, also as he started going towards people who had been shot. The driver told the Special Committee that medical personnel were deliberately shot at in order to prevent the victims from receiving prompt medical assistance.

600. It has been reported that the IDF used excessive force against the Palestinians. In addition to the large number of deaths, more than 70 per cent of the persons who were wounded sustained injuries in the head or upper parts of the body, showing the clear and deliberate intent of the Israeli troops to kill or inflict serious injury. It has been reported that explosive and high-velocity rubber bullets as well as grenade launchers were used and that snipers were deployed. The Israeli army is said also to have shot at crowds from helicopter gunships and dispatched armoured personnel carriers and tanks to Palestinian towns. For a number of days, the principal Palestinian towns in the West Bank were completely encircled by tanks. A total closure, including the internal closure and cutting off from each other of 465 individual Palestinian agglomerations in the West Bank was enforced by the Israeli authorities. In addition, a number of towns and villages were placed under curfew.

601. Numerous protests and clashes took place in the occupied territories in the wake of the decision of the Israeli Government on 26 February to build the so-called Har Homa settlement in East Jerusalem and these intensified when construction work actually began on Jabal Abu Ghneim. On 21 March, a suicide bomber blew himself up on the terrace of a café in Tel Aviv, killing three Israeli women and wounding more than 40 persons. The Special Committee reiterates its firm condemnation of terrorism in all its forms. Resort to such extreme measures is indicative of the degree of desperation of the Palestinian population of the occupied territories.

602. Several days of violent clashes took place in Hebron and other cities in the occupied territories in June following the announcement of the decision of the United States Congress to recognize Jerusalem as the capital of Israel and to allocate $100 million for the transfer of the United States Embassy from Tel Aviv. After the ensuing protests, which resulted in clashes of the Palestinian population with the IDF, the Israeli military authorities warned that persons who threw stones or explosive devices with the intent to kill should themselves expect to be killed and announced that instructions to that effect had been issued to Israeli soldiers and policemen. Rubber-coated metal pellets and tear-gas have been used extensively by the Israeli forces to quell clashes and demonstrations.

603. Violent clashes resumed throughout the occupied territories at the end of June, especially in the principal cities of the West Bank, when posters depicting the Prophet Mohammed as a pig writing the Koran were found on the walls of several Palestinian shops in Hebron. These climaxed on 30 July when two suicide bombers blew themselves up simultaneously in the open Mahaneh Yehuda market in the centre of West Jerusalem, killing 14 persons and injuring more

than 170 others. For the first time, a closure of the borders of the occupied territories with Jordan and Egypt was implemented by the Israeli authorities in addition to a total closure between parts of the territories and Israel and the internal closure imposed on Palestinian towns and villages in the West Bank.

604. The Special Committee was informed that in the wake of the double suicide bombing in Jerusalem on 30 July and for the first time since 1986, the Israeli forces had resumed breaking the bones of Palestinians while assaulting them when apprehended.

605. The Special Committee's attention was drawn to serious cases of sexual harassment of women during searches of houses in Hebron by the Israeli security forces that began in 1996 and constitute violent and degrading treatment. It has been reported that the security forces had forced, on occasion at gunpoint, some 20 women ranging in age from 17 to 69 to undress completely in the presence of female Israeli police officers and female soldiers, for no other reason than to humiliate them. A number of children were also forced to undress in the course of searches. It has been alleged that some of the women were forced to undress in the presence of their relatives, including children and even in the presence of a male police officer. A number of women were beaten on such occasions, including women who were pregnant. On a number of occasions, property in the houses searched was damaged or destroyed.

606. One of the most severe measures taken by the Israeli authorities against the Palestinian population that has continued to be applied during the period under review and which constitutes collective punishment is the closure of the occupied territories. It should be recalled that closures separate the occupied territories from Israel and cantonize the occupied territories into different parts separated from and inaccessible to each other. The first closures were implemented in 1991 during the Gulf War. Closures have been implemented frequently since 1993 but the heaviest have been imposed since February 1996 and consist of Israel closing what is known as area C under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, over which it exercises complete control. The effects of closures are compounded by the fact that the "safe passages" for persons and vehicles between the West Bank and Gaza Strip, which constitute a single territorial unit under the Oslo Accords, have not been opened to date, as is also the case with the airport and seaport in Gaza. Total closures that are virtually hermetic and include the so-called "internal" closures of the 465 Palestinian agglomerations in the West Bank and place their populations under town arrest have been applied in the wake of serious security incidents. The Palestinian towns have been described as small islands surrounded by Israel and the map of the West Bank depicting them has been compared to a leopard skin or a Swiss cheese.

607. Total closures were enforced after violent clashes broke out between Palestinians and Israelis throughout the occupied territories after the opening of the so-called Western Wall Tunnel in September 1996, on the occasion of Israeli holidays, other security incidents and in the wake of the suicide bombings that had taken place in Tel Aviv and Jerusalem in March and July 1996. Closures have also been accompanied by the imposition of curfews on a number of localities. On 30 July, in addition to a total and internal closure of the occupied territories, the borders between the Gaza Strip and Egypt as well as

between the West Bank and Jordan were closed for the first time and the free movement of foreigners was prevented for 48 hours. There were 99 days of total closure of the occupied territories in 1996. The effectiveness of closures in preventing serious security incidents has, however, never been demonstrated.

608. Closures have had devastating economic and social effects on the occupied territories, eroding the social fabric and reducing their standard of living by more than 30 per cent since the signing of the first peace agreements in 1993. In his report to the International Labour Conference at its eighty-fifth session, in 1997, the Director-General of the International Labour Organization (ILO) stated that:

> "The employment and income situation of workers of the occupied territories has steadily deteriorated since the signing of the Oslo agreements in 1993. Unemployment increased significantly. Hoped-for investments did not materialize. The balance of payments with Israel deteriorated further ... The territories' real GNP per capita is estimated to have declined by 36.2 per cent between 1992 and 1996 ... Unemployment in the occupied territories has been soaring in recent years, with obvious peaks during periods of complete closure. Unprecedented levels were reached in March-April 1996, by some accounts in excess of 60 per cent, when, in addition to sealing the Green Line, Israeli authorities enforced an internal closure, preventing workers and goods from moving between towns and villages and thereby all but immobilizing the economy of the territories ... In 1992 almost 120,000 registered workers and an estimated 40,000 unregistered workers crossed the Green Line on normal days ... The total number of permits for work in Israel fell from some 52,000 in February 1996 ... dropped again in the wake of the September riots and ended the year at 42,500."

609. The situation is even more difficult for unmarried workers under 28 years of age who are often not allowed to enter Israel at all. Portions of salaries of workers who were prevented from reaching their places of work are usually withheld. With every new closure that is imposed on the occupied territories, the number of Palestinian workers allowed to work in Israel goes back to zero. Palestinian workers have been replaced gradually by increasing numbers of foreigners. It is estimated that some 100,000 foreign workers are currently employed in Israel, in addition to an estimated 100,000 who are believed to work there illegally. Palestinians who enter Israel illegally in search of work risk heavy fines, imprisonment, harassment and on occasion ill-treatment. In November 1996, two border policemen were filmed severely beating five Palestinian workers who had entered Israel illegally. It has been reported that the Attorney-General of Israel stated after the incident that the beating of Arabs by soldiers or border policemen was the rule rather than the exception. Workers who manage to obtain permits have to undergo time-consuming and humiliating security checks and permit verifications amounting to administrative harassment on a daily basis when they pass through the checkpoints at the border crossings with Israel. Prospects for employment in areas under the control of the Palestinian Authority appear equally bleak. The Director-General of ILO described the prospects for Palestinian workers:

> "Short- and even medium-term employment prospects for workers of the occupied territories are very dim indeed, even under optimistic assumptions about job opportunities in Israel and economic growth at home. Current labour market circumstances, including high growth of the labour force, suggest that for years to come the number of additional jobseekers is likely to exceed the number of new jobs, which means that the number of unemployed Palestinians is unlikely to diminish soon."

610. The closures of the occupied territories have also strangled Palestinian agriculture and industry. During closure, the agricultural production of the Gaza Strip cannot be exported to the West Bank or Israel and farmers have on occasion given up on harvesting their crops. If export is allowed, the often deliberately lengthy bureaucratic procedures, security checks and the requirement of back-to-back transportation at the border crossings frequently cause perishable produce to spoil. Exports of textiles have also led to the closing of numerous factories. The inability to import raw and construction materials has caused numerous factories and construction sites to close down, thus swelling the ranks of the unemployed. It has been reported that in addition to the persons who were already unemployed in the Gaza Strip, 20,000 additional persons were left without work for lack of imported materials. During the total closures, fishermen in Gaza are denied access to the sea. The Special Committee was informed about more subtle discriminatory measures applied to Palestinian agricultural produce. It was informed of a case when Palestinian products that had been exported through an Israeli company serving as an intermediary under its own name reached the markets. Agricultural produce marked as Palestinian exports was held up for several days on the official pretext of security checks until it went bad. The Special Committee was also informed about how the Israeli authorities proclaimed a particular agricultural area a closed military zone at the time of harvest in order to prevent the produce from competing with produce from Israeli markets. It has been reported that prior to the present closure 8,000 Palestinian merchants from the West Bank and Gaza Strip had permits to enter Israel. Although it has been announced that 800 permits would be issued to merchants, only 200 have been granted so far. The average debt per household in the occupied territories is believed to have increased by 154 per cent and 56 per cent of families borrow to buy food. The desperate economic situation, especially in the Gaza Strip after the closure imposed on 30 July, is illustrated by reports that the population is selling gold and furniture in order to buy basic commodities.

611. The restrictions on the freedom of movement resulting from the repeated closures of the occupied territories have had a particularly devastating effect on the economy of Jerusalem, which has continued to decline steadily since the City was cut off from other parts of the occupied territories through the implementation of the closures, which makes it virtually impossible for Palestinians from the West Bank and Gaza Strip to enter Jerusalem. In his report to the International Labour Conference at its eighty-fifth session, the Director-General of ILO stated:

> "Businesses were obliged to resettle outside the City if they were to remain viable since Palestinian suppliers and customers could not enter the City; reduced job opportunities also forced residents to relocate outside the City's boundaries."

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612. The health situation continued to be seriously affected by the closures of the occupied territories. Persons afflicted with serious illnesses, including cancer, heart and kidney patients whose treatment cannot be delayed, have not been able to travel to health institutions in other parts of the West Bank or in Israel during the total closures. The population of Gaza has continued to be particularly adversely affected by the closures, which turn it into a large prison. Patients have continued to die for lack of a permit to enter Israel. The Committee was informed about the case of a 50-year-old woman who had suffered a heart attack. Her ambulance was held up at the checkpoint for several hours for a security check and the woman died. Several women in advanced stages of pregnancy have had to give birth at checkpoints, by the roadside. One woman was forced to give birth under such circumstances since the hermetic closure imposed on 30 July. It should be recalled that the principal health institutions servicing Palestinians are located in East Jerusalem, to which the inhabitants of other parts of the occupied territories have practically no access. Medical professionals are also denied access to their places of work. Human rights organizations have repeatedly asked the Israeli authorities to make public in writing the regulations on the basis of which the entry of patients into Israel may be refused.

613. A number of restrictions concerning freedom of movement have been imposed by the Israeli authorities for the first time during the present closure of the occupied territories. Numerous Palestinians who live abroad and visit their families in the occupied territories during the summer have not been given entry permits, on the pretext of security. The lack of the funds they bring back each year has dealt an additional blow to the Palestinian economy. Palestinian dignitaries holding VIP passes have also encountered difficulties concerning movement, while travel abroad has also been seriously impaired.

614. The repeated closures of the occupied territories and in particular Jerusalem and Bethlehem have had serious repercussions for the freedom of worship of the Muslim and Christian population. The number of worshippers at the Al-Aqsa Mosque for the Friday prayers of the month of Ramadan declined. In Hebron, settlers reportedly tried to tear down the panels separating the Muslim and Jewish prayer sites in the Ibrahimi Mosque. The effects of the closure imposed on 30 July have been particularly difficult for Bethlehem, which was placed under internal closure for 28 consecutive days. The opening of the so-called Western Wall Tunnel beneath the compound of the Al-Aqsa Mosque in Jerusalem in September 1996 was considered as an insult to and serious violation regarding the Muslim religion by worshippers throughout the Islamic world.

615. The deterioration of the economic situation in the occupied territories has had a negative impact on women, especially those who are heads of households, who are under pressure to feed their families on diminishing budgets. It has been reported that many young people cannot afford to get married. Another effect of the erosion of the social fabric is the increase in the rate of divorce.

616. The Special Committee's attention has been drawn in particular to the situation of children in the occupied territories who constitute more than 50 per cent of their population and are estimated to number 1 million. The most serious aspect of the situation is that as a result of the occupation,

Palestinian children are growing up in an environment of conflict that often deprives them of their childhood and of the right to develop, given the limited duration of childhood. The violence prevailing outside has given rise to an increase in violence in the household in the occupied territories. Another factor contributing to domestic violence is the behaviour at home engendered by traumas suffered by former prisoners once they have been released. It has been estimated that more than 100,000 Palestinians have passed through Israeli jails and detention centres since the beginning of the occupation.

617. The steady decline in the standard of living in the occupied Palestinian territories since the signing of the peace agreements has had particularly adverse effects for children. An increasing number of families have been marginalized and have to borrow money in order to buy food for the children. It has been reported that the most vulnerable inhabitants of the occupied territories are buying less meat and eggs, thereby reducing their children's intake of protein, which results in a deterioration of their nutritional state. A health survey conducted in the Gaza Strip and West Bank has found that stunting, which affects 8.2 per cent of children in the Gaza Strip and 6.7 per cent in the West Bank, was the most common indicator of nutritional problems in children. A particularly disquieting feature of the current economic situation is that numerous children between the age of 10 and 16 are reported to have been taken out of school in order to work and thus supplement the income of their families. Some are reported to work up to 14 hours a day. Only 14 per cent of the children who work have continued to attend school. Closures have also reduced access to schools for both students and teachers. The closure has also had a negative effect on immunization programmes for children owing to the lack of the freedom of movement. In addition, given the bad quality of sanitation in Gaza, up to 80 or 90 per cent of children are thought to suffer from water-borne diseases. Children have often been injured and killed in violent clashes with the Israeli army. More than 16 children were killed during the clashes that erupted in September 1996. Palestinian children have also been killed by settlers and have died at roadblocks for lack of a permit to enter Israel for medical treatment. It has been estimated that the impact of the situation currently prevailing in the occupied territories will last for three generations. Some of the measures imposed by Israel are therefore destroying their future.

618. The restriction of freedom of movement has had continued serious effects on education. An estimated 1,200 students from Gaza enrolled in educational institutions in the West Bank are still prevented from reaching them. In addition, numerous students who would have begun their university studies in 1997 were unable to sit for entrance exams because of the closure. Numerous children from the area around Jerusalem attended school in that City. In general, it is estimated that 25 per cent of the population of Bethlehem used to go to Jerusalem on a daily basis. The current closure has resulted in the suspension of summer courses at the University of Jerusalem and the University was closed.

619. The Special Committee's attention was drawn in particular to the situation of child prisoners, including children who have been placed in administrative detention and placed on trial before Israeli military courts. Administrative detention of children contravenes article 37 (b) of the Convention on the Rights

of the Child, which Israel ratified in 1991. Unlike Israeli detained minors, they do not benefit from education in prison and are often denied other materials befitting their age. A lawyer who specializes in the defence of children described to the Special Committee the circumstances in which Palestinian children may be arrested and the psychological pressure and intimidation that children are often subjected to during interrogation. Children often do not have access to a lawyer, are unaware of their rights and have no knowledge about legal proceedings. The Committee was told that children are also denied adequate medical care by the prison authorities. The Committee was informed about a particularly serious case of a number of children who had been placed in solitary confinement for a perceived potential security offence and who were denied personal and recreational effects for two months. The children were reportedly removed from the prison and released when one tried to kill himself.

620. During the period under review, the Special Committee has continued to monitor with particular attention the situation of Palestinian prisoners incarcerated in detention facilities inside Israel, in violation of articles 49 and 76 of the Fourth Geneva Convention. It should be recalled that in accordance with the peace agreements, the majority of Palestinian prisoners were to be released. Female Palestinian prisoners were released after a delay of 16 months on 12 February. At present, there are approximately 3,000 Palestinian prisoners in Israeli detention centres in addition to more than 500 administrative detainees, whose number is reported to have doubled since the wave of arrests that took place after the suicide bomb attacks in Jerusalem on 30 July. Numerous Palestinians believed to be involved or connected with persons involved in security incidents have been apprehended during the mass arrests that followed such incidents. Arrests have also included sympathizers of certain political groups as well as relatives of persons believed to have committed security-related offences.

621. Palestinian prisoners have continued to be subjected to interrogation methods that amount to torture. The special dispensation given to the GSS to use "increased physical pressure" during the interrogation of detainees in accordance with the guidelines set forth by the Landau Commission report in 1987, which allow for the use of "moderate physical and psychological pressure" during interrogation and which remain secret, has been extended regularly every three months since October 1994. However, what gave rise to the particular concern of the international community were the rulings of the Israeli High Court in January and November 1996 whereby it lifted interim injunctions prohibiting the use of physical force by the GSS in the interrogation of detainees, which made Israel the only country in the world with a legally mandated policy of torture. It should be recalled that certain interrogation methods such as that consisting of violent shaking of the detainee's head may result in severe brain damage and death. Other methods include beating, position abuse, shackling, handcuffing and suspension of handcuffed hands from the ceiling behind the back, sleep and food deprivation, exposure to extremes of temperature, playing of loud music and hooding. The United Nations Convention Against Torture stipulates that "no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". In the conclusions and recommendations of the Committee Against Torture in pursuance of

the special report submitted to it by Israel, it indicated that interrogation, which included the use of "moderate physical pressure" during interrogation of persons suspected to be in possession of information of imminent attacks against Israel, constituted breaches of the Convention Against Torture. It recommended that interrogations applying any other methods that are in conflict with the provisions of articles 1 and 16 of the Convention cease immediately. The Committee Against Torture also recommended that the provisions against torture be incorporated by legislation into Israeli law and that interrogation procedures pursuant to the so-called "Landau rules" in any event be published in full.

622. Three prisoners have died in custody during the period under review. The most recent case is the death of a healthy 37-year-old man who had reportedly forgotten to take his identity card with him when he went for prayers at the Al-Aqsa Mosque in Jerusalem. He was taken to hospital after interrogation at the Moscobiya prison where he died on 21 May 1997.

623. The conditions of detention of the Palestinian prisoners are reported to have deteriorated in the course of the current reporting period. They have continued to receive bad food in insufficient quantities, which has resulted in massive food poisoning in one case. Prisoners continued to complain of bad and insufficient medical care, which led to the death of two detainees. They also complained of lack of reading material, cigarettes, insufficient supplies of toilet paper, overcrowding and lack of ventilation of their cells. A witness who testified before the Committee stated that prisoners had described their situation as a state of suspended death. Prisoners, including administrative detainees, have staged protests and hunger strikes calling for their release or for an improvement in their conditions of detention. In March, the prison authorities are reported to have quelled protests in Megiddo prison by using tear-gas, sound bombs, rubber bullets and hot water against the prisoners.

624. The number of administrative detainees, which includes a number of children, is reported to have risen significantly since the double suicide bombing in Jerusalem on 30 July. Administrative detainees are held in preventive detention, without charges or trial. The Israeli authorities have reportedly used the pretext that the confidential information against the detainees contained in their files would risk being disclosed if they were placed on trial. A number of administrative detainees has refused to attend the hearings concerning their cases. It has been alleged that the period of detention of 63 per cent of the administrative detainees had been renewed, including eight consecutive terms for the longest-standing administrative detainee. The Special Committee continued to monitor the situation of Mr. Sha'awan Jabarin, field work coordinator at the Al Haq human rights organization, who was arrested on 5 February 1996 and placed under administrative detention, which has been renewed for the fourth time. The United Nations Working Group on Arbitrary Detention found Mr. Jabarin's administrative detention to be groundless.

625. One of the most serious consequences of the closure concerns detainees who have been unable to receive family visits and consult with their lawyers. Lawyers defending Palestinian detainees have complained about the irregularity of judicial procedures.

626. The administration of justice continued to show an imbalance between the sentences handed down to Palestinians as compared with those meted out to Israelis during the period under review. The two border policemen who severely beat five Palestinian workers in November 1996 were released from detention on bail. Four Israeli soldiers involved in the killing of a Palestinian were fined one penny each. A number of right-wing religious activists were allowed to enter Muslim holy sites. Settlers have acted with most impunity and have on occasion been assisted by soldiers and the police. It has been reported that in an interview given in 1990, the former Mayor of Jerusalem had stated: "Never have we given them a feeling of being equal before the law. They were and remain second and third class citizens." In July, the Knesset was preparing to pass a law that would deny most Palestinians from the occupied territories who were killed or injured by the Israeli security forces the right to compensation and would be applied retroactively. It should be noted, however, that Israeli courts have ruled in favour of compensation being paid to a number of persons who had accidentally sustained serious injuries during violent incidents in the course of the reporting period.

627. The Special Committee's attention has been drawn to another form of collective punishment of the Palestinian population of the occupied territories, which is also one of the most serious punitive measures being applied by the Israeli authorities in the wake of the suicide bombings in Jerusalem on 30 July. Although numerous houses have been demolished throughout the occupied territories, including East Jerusalem, during the three decades of occupation, and despite a significant increase in the frequency and quantity of demolitions since November 1996, there has reportedly never been such unrestrained demolishing of Palestinian houses as was the case when this report was being finalized. It has been reported that, since 31 July, some 4 to 6 houses have been demolished in the occupied territories every day. It has been reported that the demolition of 32 houses in August had left 125 persons homeless. In 1996, the Israeli authorities demolished an Arab-owned house in the Old City of Jerusalem for the first time; they destroyed the Burj Laqlaq community centre. It has been alleged that 19 homes and 3 buildings were demolished in the presence of 60 soldiers on 17 July in Bir Nabala. The massive demolition of houses in August 1997 has been particularly intensive in Jerusalem, Hebron and Bethlehem, which was subjected to an internal closure for 28 days. It was reported in May that 860 Palestinian homes in the occupied territories were slated for demolition and that some 2,600 buildings in East Jerusalem were vulnerable to demolition. This appears to be in sharp contrast with the 5,000 housing units currently under construction in the occupied territories for Israeli settlers who make up 6 per cent of the population there and the conditions of complete immunity from demolition in which they live.

628. The Israeli authorities demolish houses they claim have been built without a permit. It should be recalled that building permits have practically not been issued to Palestinians since the beginning of the occupation. It has been reported that the number of houses currently being demolished exceeds the number of building permits granted to the inhabitants of the occupied territories, despite the needs of the population. The zoning plans of numerous Palestinian agglomerations have not been changed for the past 40 years despite the natural increase in their populations. The destruction of homes is forbidden under article 53 of the Fourth Geneva Convention. In addition, Israeli authorities

have also carried out punitive demolitions on the basis of orders issued under the British Defence (Emergency) Regulations of 1945, which allow for the destruction or sealing of a family's home if any member is awaiting trial, under interrogation or merely suspected of having committed a security offence. Measures amounting to collective punishment contravene article 33 of the Fourth Geneva Convention. During the period under review, the home of a Palestinian was demolished because the tenant to whom he had rented it was suspected of involvement in security offences.

629. In addition to house demolitions, the Israeli authorities have increased incrementally the number of trees uprooted as a retaliatory measure in the occupied territories, particularly in the West Bank. Since 30 July, this type of collective punishment has resulted in the uprooting of hundreds of olive and other trees and the destruction of numerous vineyards in the region of Hebron. It has been alleged that the owners were not previously informed. In addition, trees growing near the Israeli settlements are also said to have been uprooted.

630. During the period under review, the Special Committee continued to monitor closely the situation of human rights in the occupied Syrian Arab Golan. In September 1996, it was reported that the Israel Land Administration had been instructed by Ariel Sharon, the Minister of National Infrastructure, to enhance the marketing of land designated for the construction of three new settlements consisting of 600 housing units in the occupied Syrian Golan as part of the Government's settlement policy, whose aim was to increase the settler population there from 15,000 to 25,000 within the next two years. In October, the Israeli Prime Minister allowed the National Oil Company to drill for oil in the Golan. Drilling for oil was reportedly halted under the previous Israeli Government in anticipation of a peace agreement with Syria. On 3 November, the Minister of Trade and Industry stated that the country should be prepared for war with Syria. On 10 December, the Ministry of the Interior allocated an NIS 250,000 budget for the construction of a firing range in Katzrin, the largest settlement in the occupied Golan, in addition to a police station, whose building would cost some NIS 4.5 million. On 6 January 1997, the construction of an additional 200 housing units in Katzrin was announced. Incentives for construction in Katzrin reportedly consisted of NIS 50,000 bonuses and preferential mortgages amounting to up to 95 per cent of the housing unit's value. In June, extensive military exercises were conducted for several days in the occupied Syrian Golan.

631. In May, it was reported that a study prepared in the United States had shown that 28 per cent of the housing units in the occupied Syrian Arab Golan were uninhabited. The Israeli Ministry of Housing suggested that only 6 per cent were unoccupied.

632. The witnesses from the occupied Syrian Arab Golan who testified before the Special Committee complained of the continued absence of adequate medical facilities and specialized medical care as well as of the high cost of medical treatment. Serious operations had to be carried out outside the Golan. It was stated that Israel did not recognize Syrian diplomas and that numerous inhabitants were employed in jobs unrelated to or well below their qualifications. The witnesses complained of the policy of the Israeli authorities to impose Israeli curricula for education in the Golan, especially as regards the teaching of literature, history and geography. The Hebrew

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language was alleged to be favoured over Arabic for the Syrian Arab population. Witnesses also deplored the imposition of Hebrew biblical names on Arab localities. The severance of family ties owing to the restrictions imposed by the Israeli authorities on visits to and from Syria was strongly felt. Numerous families continued to communicate by megaphone from either side of the demarcation line. The witnesses spoke about the difficult position of Syrian workers who were often not paid by their Israeli employers through fraudulent practices such as the changing of a company's name and false bankruptcies. They also complained of heavy taxes and the control exercised by the Israeli authorities over the marketing of the principal agricultural produce of the Arab inhabitants of the Golan, apples. Arabs living within two kilometres of the ceasefire line were obliged to pay taxes while Israelis paid taxes only if they lived at a distance of more than 30 kilometres. Arab-owned land continued to be confiscated first for military purposes before being turned over to the settlements. In his report to the International Labour Conference at its eighty-fifth session, in 1997, the Director-General of ILO stated that:

> "This measure had the same economic consequences as reported in previous years: when livestock breeders have to sell their herds for lack of pastures, they have no choice but to seek employment in Israel or in an Israeli settlement. An estimated 1,500 villagers currently work in Israel and unemployment in the region is high."

633. On 18 January, the Israeli newspaper The Jerusalem Post reported that Prime Minister Netanyahu had stated that the future of the Golan was not negotiable and that the Golan Heights had to remain under Israeli control because of their strategic, historical and economic importance. On 23 July, the Knesset adopted a bill requiring that any move by Israel to withdraw from the Golan had to be approved by a two-thirds majority, that is by 80 out of 120 members of the Knesset. In addition, it would have to be approved by the Israeli population through a referendum.

634. The Special Committee wishes to recall once again the position taken by the General Assembly and the Security Council that the annexation by Israel of the occupied Syrian Arab Golan is illegal and therefore null and void. It hopes that the negotiations between the Syrian Arab Republic and Israel concerning the Golan will resume.

635. The Special Committee wishes to reiterate its view that occupation in itself constitutes a violation of human rights. It should be recalled that in spite of the signing of the peace agreements, the status of occupation continues and that Israel should, therefore, abide by its obligations under the Geneva Conventions and in particular that it abide by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other relevant international instruments and comply fully with all universally accepted standards of human rights.

636. The Palestinian people are currently facing an unprecedented double challenge: a virtual breakdown in the peace process and an escalation of human rights violations on the ground in the occupied territories. Many believed that the signing of the Oslo Accords would bring a new era of peace, security, understanding and hope for the people of the entire Middle East, enabling them

to live in harmony, dignity and with mutual respect. Unfortunately, the hopes entertained during and after the signing of the peace agreements regarding the continuation of the peace process have now virtually evaporated and there has been a serious deterioration of the situation in the occupied territories.

637. During its visit to the area, the Special Committee has once again heard a broad spectrum of the opinions of the Palestinian population from the occupied territories. The initial optimism that followed the signing of the peace agreements in 1993 has now become a thing of the past. The events that have taken place during the period under review give the impression that Palestinians are being pushed to the limits of their endurance and feel a growing uncertainty about their future. Those suffering the most are the civilian population of the occupied territories, whose standard of living has been eroded steadily as a result of the very serious economic and social situation. The total desperation prevailing among the population portends of a possible eruption of more violence in the area, which cannot but further undermine the peace process. The Special Committee strongly condemns terrorism and violence in all its forms. It also rejects all measures that amount to collective punishment and cause the unnecessary suffering of a whole population, leading to a sense of desperation, which, in turn, gives rise to violence.

638. The Special Committee believes that the peace process has reached a decisive stage and that if negotiations are not resumed and the agreements that have already been reached are not fully implemented, the cycle of violence and conflict will continue. The momentum of the peace negotiations has to be maintained and given new impetus. The Oslo Accords should be implemented in full by both sides and the principle of land for peace underlying the peace agreements should be complied with. Both sides should refrain from actions that could pre-empt the permanent status negotiations. The peace process risks being impeded in particular by measures and actions that have altered or purported to alter the character, legal status and demographic composition of Jerusalem. The repeated delays in the resumption of the peace process have increased tensions in the region and jeopardized the peace process and could lead to its complete breakdown. This would be dangerous not only for stability in the whole of the Middle East but also for international peace and security.

639. It is vital that a constructive dialogue between the parties be maintained and that the peace process continue. All parties concerned should respect the spirit and letter of the Oslo Accords and show renewed commitment to and confidence in the peace process by an immediate resumption of the peace talks. The frustration and despair of Palestinians have almost completely eroded their trust in the peace process, which is now at a standstill. The peace talks between the Syrian Arab Republic and Israel have also come to a halt. Only tangible progress in peace talks with consequent changes on the ground can bring about a just, comprehensive and lasting peace in the Middle East. All parties concerned must work together to remove the current climate of hatred and despair, revive the feeling of partnership and trust and to safeguard the peace effort that would pave the way for a lasting peace in the region.

640. The international community must urgently address the current situation and take an active and positive role in safeguarding the peace process, giving it a new impetus and ensuring its success. The Special Committee believes that the

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prevailing climate of strife and bitterness can be replaced by the beginning of a new era of peaceful coexistence in the whole region.

VI. RECOMMENDATIONS

641. The Special Committee expects that its findings will be taken into account when concrete measures are drawn up in order to revive the peace process in the region. In the meantime, it wishes to recommend once more the implementation of measures that would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. The Special Committee reiterates that such measures should include the following:

(a) The full application by Israel of the relevant provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, and whose applicability to those territories has repeatedly been reaffirmed by the Security Council, the General Assembly and other relevant organs of the United Nations;

(b) Full compliance with all resolutions pertinent to the question of the occupied territories as adopted by the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, as well as other relevant resolutions adopted by UNESCO, WHO and ILO;

(c) The full cooperation of the Israeli authorities with UNRWA representatives and full respect by the Israeli authorities of the privileges and immunities that the Agency enjoys as an international body providing humanitarian services to Palestinian refugees in the occupied territories;

(d) The full cooperation of the Israeli authorities with ICRC in order to protect detained persons, in particular by ensuring full access of representatives of the Committee to such persons;

(e) The full support, by Member States, of the activities of UNRWA and ICRC in the occupied territories in order to enable both organizations to maintain and improve the assistance provided to the refugee population and to detained persons;

(f) The full cooperation of the Israeli authorities with the United Nations Special Coordinator in the Occupied Territories;

(g) Renewed efforts by Member States to convince Israel of the need for increased human rights protection through international monitoring of human rights. This should include enabling the Special Committee, as the main body established by the General Assembly for the protection of human rights in the occupied territories, to perform its functions more effectively by allowing it to have access to the occupied territories;

(h) Full cooperation by Israel with the Office of the United Nations High Commissioner for Human Rights as regards the implementation of human rights advisory assistance programmes in the areas falling under the Interim Self-Government Arrangements;

(i) The Special Committee would like to appeal to Israel to act in conformity with the spirit animating the peace process by giving effect to the following concrete measures:

(i) Recognize that present policy regarding settlements in the occupied territories represents the most formidable obstacle to peace and security in the region and, accordingly, halt the establishment of new settlements and the expansion of existing ones and put an end to the ongoing policy of land confiscation and the building of bypass roads; and stop exerting pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community;

(ii) Refrain from the destruction of property such as the demolition of houses and the uprooting of trees, as well as discriminatory measures concerning the use of water resources;

(iii) In view of the fact that the forced eviction of Palestinians in the occupied territories is a grave problem, we would recommend the adoption of paragraphs 1 to 4 of Commission on Human Rights resolution 1993/77, which we quote verbatim for convenience:

"The Commission on Human Rights

"...

"1. Affirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

"2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction;

"3. Also urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

"4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups";

(iv) Put an end to the imposition of closures and curfews for indefensible reasons and merely as measures of collective punishment that have a disastrous effect on the economic and social situation of the population of the occupied territories and hinder the enjoyment of a number of fundamental rights and freedoms such as those of movement, education, religion and expression;

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(v) Put an immediate end to interrogation practices amounting to torture and ill-treatment; rapidly and thoroughly investigate the persons identified as responsible for such practices by independent judicial bodies and prosecute them; and review and publish in full the guidelines concerning interrogation procedures so that they are transparent and in keeping with international human rights standards Israel has acceded to;

(vi) Review the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expedite their release; and refrain from detaining residents of the occupied territories within Israel and improve conditions of detention in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 30 August 1955 and approved by the Economic and Social Council in its resolutions 663 (XXIV) C of 31 July 1957 and 2076 (LXII) of 13 May 1977;

(vii) With regard to better protection of the right to life and physical integrity, establish rules of engagement for its security forces that are clear and fully respect human rights standards, and apply open-fire regulations strictly in conformity with the principles of necessity and proportionality; exercise utmost restraint in responding to outbreaks of violence and fully investigate all incidents of shooting; and put an immediate end to the activities of undercover units and, in particular, to extrajudicial and summary executions perpetrated by such units;

(viii) Exercise strict control over any abuses perpetrated by settlers, in particular with regard to their use of arms, and review the policy of arming settlers; prevent acts of violence by settlers and intervene if they are taking place; and carry out full and impartial investigations of acts of violence perpetrated by settlers and bring to justice those who are responsible;

(ix) Enforce the law equitably by ensuring all legal safeguards provided for in universally recognized human rights standards for the Arab population of the occupied territories and the prompt, thorough and impartial administration of justice, with penalties for both Israelis and Arabs commensurate with the gravity of offences committed;

(x) Allow all persons who were deported or expelled from the occupied territories to return and, where applicable, have their properties restituted.

642. The Special Committee believes that the implementation of these recommendations would contribute immensely to the strengthening of the peace process, enabling all the people of the occupied territories and in the region to live in harmony, dignity, peace and security.

VII. ADOPTION OF THE REPORT

643. The present report was approved and signed by the Special Committee on 29 August 1997 in accordance with rule 20 of its rules of procedure.

Notes

[1] Documents A/8089; A/8389 and Corr.1 and 2; A/8389/Add.1 and Add.1/Corr.1 and 2; A/8828; A/9148 and Add.1; A/9817; A/10272; A/31/218; A/32/284; A/33/356; A/34/631; A/35/425; A/36/579; A/37/485; A/38/409; A/39/591; A/40/702; A/41/680; A/42/650; A/43/694; A/44/599; A/45/576; A/46/522; A/47/509; A/48/557; A/49/511; A/50/463; and A/51/99/Add.2.

[2] Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101, document A/8237; ibid., Twenty-sixth Session, Annexes, agenda item 40, document A/8630; ibid., Twenty-seventh Session, Annexes, agenda item 42, document A/8950; ibid., Twenty-eighth Session, Annexes, agenda item 45, document A/9374; ibid., Twenty-ninth Session, Annexes, agenda item 40, document A/9872; ibid., Thirtieth Session, Annexes, agenda item 52, document A/10461; ibid., Thirty-first Session, Annexes, agenda item 55, document A/31/399; ibid., Thirty-second Session, Annexes, agenda item 57, document A/32/407; ibid., Thirty-third Session, Annexes, agenda item 55, document A/33/439; ibid., Thirty-fourth Session, Annexes, agenda item 51, document A/34/691 and Add.1; ibid., Thirty-fifth Session, Annexes, agenda item 57, document A/35/674; ibid., Thirty-sixth Session, Annexes, agenda item 64, document A/36/632/Add.1; ibid., Thirty-seventh Session, Annexes, agenda item 61, document A/37/698; ibid., Thirty-eighth Session, Annexes, agenda item 69, document A/38/718; ibid., Thirty-ninth Session, Annexes, agenda item 71, document A/39/712; ibid., Fortieth Session, Annexes, agenda item 75, document A/40/890; ibid., Forty-first Session, Annexes, agenda item 71, document A/41/750; ibid., Forty-second Session, Annexes, agenda item 75, document A/42/811; ibid., Forty-third Session, Annexes, agenda item 77, document A/43/904; ibid., Forty-fourth Session, Annexes, agenda item 77, document A/44/816; ibid., Forty-fifth Session, Annexes, agenda item 75, document A/45/823 and Corr.1; ibid., Forty-sixth Session, Annexes, agenda item 73, document A/46/639; and ibid., Forty-seventh Session, Annexes, agenda item 74, document A/47/612.

[3] Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101, document A/8089, annex III.

[4] United Nations Treaty Series, vol. 75, No. 973, p. 287.

[5] Ibid., No. 972, p. 135.

[6] Ibid., vol. 249, No. 3511, p. 215.

[7] Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907, New York, Oxford University Press, 1915.

[8] General Assembly resolution 2200 A (XXI).

[9] E/CN.4/1997/16.
